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BEN B. LINDSEY: THE JUST JUDGE

BY

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ILLUSTRATED WITH PHOTOGRAPHS

IN the County Court of Denver one night, a boy was arraigned for larceny. The hour was late; the calendar was long, and the Judge was sitting overtime. Weary of the weary work, everybody was forcing the machinery of the law to grind through at top speed the dull routine of justice. All sorts of causes go before this court, grand and petty, civil and criminal, complicated and simple. The petty larceny case was plain; it could be disposed of in no time. A theft had been committed; no doubt of that. Had the prisoner at the bar done it? The sleepy policeman had his witnesses on hand, and they swore out a case. There was no doubt about it; hardly any denial. The Law prescribed precisely what was to be done to such "cases," and the bored Judge ordered that that thing be done. That was all. In the same breath with which he pronounced sentence, the Court called for the "next case," and the shift was under way, when something happened, something out of the ordinary.

A cry, an old woman's shriek, rang out of the rear of the room. There was nothing so very extraordinary about that. Our courts are held in public; and every now and then somebody makes a disturbance such as this old woman made when she rose now with that cry on her lips and, tearing her hair and rending her garments, began to beat her head against the wall. It was the duty of the bailiff to put the person out, and that officer in this court moved to do his duty.

But the man on the bench was Ben B. Lindsey, the celebrated Judge of the Juvenile Court of Denver. He wasn't celebrated then; he had no Juvenile Court. He was only a young lawyer and politician who, for political services (some aver, falsely, for delivering a vote for a United States Senatorship) had been appointed to fill out an unexpired term as County Judge. Lindsey didn't want to be a judge; he had asked for

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the district attorneyship. His experiences on the inside of politics had shown him that many things were wrong, and he had a private theory that the way to set the evils right was to enforce the law, as the Law. But another man, Harry A. Lindsley, had a prior claim on the district attorneyship, and Ben Lindsey had to take the judgeship or nothing. So he had taken it (January 8, 1901), and he had been administering justice — as Justice — for several weeks when that woman cried out against his "Justice," and his "bailee" moved to uphold the decorum of his court, the dignity of the Law. And — the Judge upheld the woman.

"I had noticed her before," he says now. "As my eye wandered during the evening it had fallen several times on her, crouched there among the back benches, and I remember I thought how like a cave-dweller she looked. I didn't connect her with the case, any case. I didn't think of her in any human relationship whatsoever. For that matter, I hadn't considered the larceny case in any human way. And there's the point: I was a judge, judging 'cases' according to the 'Law,' till the cave-dweller's mother-cry startled me into humanity. It was an awful cry, a terrible sight, and I was stunned. I looked at the prisoner again, but with new eyes now, and I saw the boy, an Italian boy. A thief? No. A bad boy? Perhaps, but not a lost criminal. I called him back, and I had the old woman brought before me. Comforting and quieting her, I talked with the two together, as mother and son this time, and I found that they had a home. It made me shudder. I had been about to send that boy to a prison among criminals when he had a home and a mother to go to. And that was the Law! The fact that that boy had a good home; the circumstances which led him to — not steal, but 'swipe' something; the likelihood of his not doing it again — these were 'evidence' pertinent, nay vital, to his case. Yet the Law did not require the production of such evidence. The Law? Justice? I stopped the machinery of justice to pull that boy out of its grinders. But he was guilty; what was to be done with him? I didn't know. I said I would take care of him myself, but I didn't know what I meant to do; except to visit him and his mother at their home. And I did visit them, often, and — well, we — his mother and I, with the boy helping — we saved that boy, and to-day he is a fine young fellow, industrious, self-respecting, and a friend of the Court."

This was the beginning, the Judge will tell you, of his practice of putting juvenile offenders, not in prison to be punished, but on probation to be saved. It wasn't. The Judge is looking backward, and he sees things in retrospect as he has thought them out since, logically, with his mind. If you should take his word for it, you would get the impression that this first "probation case" was the beginning of his famous Juvenile Court, the most remarkable institution of the kind in all the world. And if you got that impression in just that way, you might do as the reformers of some twenty-five States and a few hundred cities have done — you might lose the significance of Judge Lindsey. You might learn his methods and miss the man. You might imitate his "kids' court" and make a mistake with both the "kids" and their "Jedge," as they call him. And you certainly would do, as Denver desires to do, and Colorado — limit the meaning of Judge Lindsey's life-work to the problem of the children.

Ben Lindsey's "methods" are as applicable to grown-ups as to kids. Man has a way of inventing devices to help him to be a man: a spear, an army, the Church, political parties, business. By and by the aid to his weakness comes to be a fetish with him, a burden, an end in itself, an institution. He decorates his spear, keeping a commoner weapon to hunt with. His army returns from fighting his enemies to conquer him. Priests declare the Church holy and, instead of ministering to men, make men minister to the Church. Political parties, founded to establish principles for the strengthening of the State and its citizenship, betray principles and manhood and the State for the "good of the party." Business, the mere machinery of living, has become in America the purpose of life, the end to which all other goods — honor, religion, politics, men, women and children, the very Nation itself — are sacrificed. And so with the laws and the courts. Jurists and legislators note and deplore the passing of respect for the Law and of faith in the courts, and they wonder why. It is largely because we laymen think we observe that legislation purporting to be for the common good is bought for the special evils; that laws enacted to help us are manipulated to our hurt; and that our courts, set up to render justice, either

THE JAIL

"' . . . dirty, filthy, . . . crawling with vermin,'" the jail was no place for boys

make a worship of the letter of the Law or violate the spirit thereof to work deliberate injustice. As for the penal code, nourished by the centuries to prevent crime, it is operated as escapes for the strong criminal or as instruments of society's revenge upon the weak.

Ben Lindsey's great, new, ancient discovery is that men are what we are after, men and women; and that everything else, business and laws, politics, the Church, the schools — these are not institutions, but means to those higher ends, character and right living. He began with the laws, the Law he was prepared to revere. He saw that the Law was capable of stupid injustices and gross wrongs; and setting humanity up on the bench beside his authority, he has reduced the Law to its proper, humble function — the service of men and the State. He has drawn the sting of punishment out of the penal code, stamped out the spirit of vengeance; he has tried to make his Court a place where the prisoners at the bar are helped to become good men and useful citizens. His greatest service has been to boys and girls, but that is only because he found in children the most helpless victims of our machine system of "businesslike justice." He has created in his Juvenile Court a new human institution, the beauty and use of which is spreading imitative "movements" all over the land. But, wonderful as his creation is, this man should not be known as the founder of another institution. That might become, like certain societies for the prevention of cruelty to animals or to children, only another "end in itself."

Judge Lindsey is a man, a brave, gentle man, who is reintroducing into life, all life, and into all the institutions which he can influence, the spirit of humanity. As he puts it in his "Problem of the Children," "these great movements for the betterment of our children are simply typical of the noblest spirit of this age, the Christ-spirit of unselfish love, of hope and joy. It has reached its acme in what were formerly the criminal courts. The old process is changed. Instead of coming to destroy, we come to

rescue. Instead of coming to punish, we come to uplift. Instead of coming to hate, we come to love."

That the man has this more general significance is shown by the gradual, apparently accidental way in which he developed his "methods" and his Court. He didn't think them out with his mind. That isn't the way big, human things are done in this big, human world of ours; they are felt out with the heart. The man Lindsey had heart, and the cave-dweller's cry reached it, and when the Judge felt her agony, he found himself. That was all. His judgment in this case was but the beginning of Judge Lindsey's practice of putting heart into his business. He didn't know what probation was when he said he'd take care himself of the cave-dweller's boy. We have seen that he hadn't thought of being a judge, and the idea of a Juvenile Court hadn't dawned upon him. It took other cases to "set him thinking." The other cases came.

"There's nothing wrong about gangs as such"

One day a "burglary" appeared on his calendar. The Judge says he looked around curiously for the burglars. He saw none till the case was called. Then three boys were haled whimpering before him, three ordinary, healthy American boys from twelve to sixteen. What had they burglarized? A pigeon-loft. A pigeon-loft! Yes, your Honor, they broke into a pigeon-loft and were caught red-handed stealing pigeons. That was burglary; there was no doubt about the crime. What was to be done with the burglars? They were to be sent to the reformatory, of course; the Law prescribed the penalty. The Judge shook his head, "No." He didn't say so in court then, but he tells now how he was recalling the time when he, as a boy, went robbing a pigeon-loft. He didn't actually commit "burglary," but he would have, if he hadn't lost his nerve. He was "scared"; the other kids had told him so, and it was true. And they left him, in contempt and ashamed, while they robbed the coop. So he wasn't an ex-convict, not because he was a good boy, no; nor because he was "smaller than them," though that was a plea set up in the gang in his behalf. He wasn't a burglar, like these boys before him now, simply because he didn't have as much "sand" as they had. Was he going to punish them as burglars, "send them up" for crime to live among criminals? No.

But the complainant had a view to present. A worried, old, persecuted man, he told how boys were forever stealing his pigeons; how he had "laid for" them again and again; how they generally escaped; and how finally, after many failures, he had caught these three. He wanted them punished; he begged to have them "sent to jail."

There was something familiar in the appearance of the poor old pigeon fancier, and the Judge questioned him: where he lived; where his barn was; just where the pigeon-loft was; what his name was; whether he had a nickname. The old man answered, peevishly, but fully enough for the Judge to learn what he wanted to know. This was

the very man, his were the pigeons, his loft was the same old loft which he, the Judge, and his gang had burglarized years ago. And now the Law expected him, a judge, to send to prison these boys who were no worse than he was; nay, who were better, for they had the "sand" he lacked! If he, the Judge, had been sent up for burglary he might not have become County Judge, and if he didn't send up these boys as burglars, they might become county judges or — since they had more "sand" — something better.

But there was the Law; what about that? The boys had committed a crime; what was the Judge to do with them? He didn't know; he would have to "think it over." And he thought it over. He went back to first principles. What did the complainant really want? Only to have his property protected. And what was the law against burglary for? To protect property by preventing burglary. Wasn't there any other way to achieve these common ends except by punishing these boys as burglars? And if he put them in prison might not other boys go on robbing the pigeon-loft? The Judge says it is "out of the mouths of babes" that he has learned wisdom. He took the prisoners into his chamber, and he talked with them.

Now, the Judge's talks with boys and girls are regarded with superstition by some people; he gets such wonderful results — the truth, for example. Children who lie to their parents, their teachers, and the police, tell him everything. The police started a story that Judge Lindsey is a "hypnotist," and others speak wisely of his "method." His "method" is very simple; he employed it before he knew it was a "method," with his Italian "thief" and his first trio of "burglars." Friendship is the key. Judge Lindsey talks to boys as one boy talks to another.

His personal appearance helps him. The "Jedge" is a short, slight, boyish looking young man, open-faced, direct, sincere, and he lays off the ermine, figuratively speaking, very readily; indeed, he hardly ever puts it on now, even on the bench. In chambers he comes right down to earth, using boy-talk, including slang. For this he has been criticized by good people who think of English as an institution, to be kept pure. The Judge answers that he has something else in mind than the purity of the language. He has found "after four years' experience that the judicious use of a few of these slang terms not only does not hurt the boy, but actually helps him and wins his confidence," and since the boys are what he is after, he declares he will "continue to talk to the boys to a certain extent much the same as they talk with one another."

As a matter of fact, it is an instinct with the Judge, a part of his simple naturalness and his native desire to understand others, which prompts him to say "fellers"; "ah, say, kids, let's cut it out." When he called in his burglars, it was no judge that asked them if they belonged to a gang. It was no fatherly elder, wisely pretending to a superior sort of interest in the habits and customs of their "crowd," and the limits of their range or habitat. It was "one feller askin' th' other fellers, on the level now, all about swipin' pigeons." The reason he, the Judge, and his gang robbed the coop was to get a certain variety of fan-tail pigeons which the old man wouldn't sell, and he understood it when the boys explained that what they were after, really, was to get back some of their pigeons which had joined the old man's bigger flock. Also, however, the boys understood the Judge when he reflected that it wasn't right to go and "rob back" your pigeons; that it annoyed the old man; wronged him and hurt the boys. Maybe the old man was grouchy, but, gee, the coop was his, and "swiping" wasn't "square." It was sneaky, it was weak to steal. So he proposed to stop this "weakness" of this gang; not only of the three that had been caught, but of the whole gang.

Now, the Judge teaches respect for grown-up law by himself invariably showing great respect for "kid law." It is against the law of Boyville to "snitch" (tattle). So he wouldn't let them tell him who the other "burglars" were. "But, say, fellers," he said, "you bring in the other kids, and we'll talk it over, and we'll see if we can't agree to cut out stealing altogether, and especially to stop swipin' pigeons off the old man."

That was fair and it was human. They went away, and they got the gang. And the gang entered into a deal with the "Jedge"; "sure they did." Who wouldn't? And do you think they would go back on a Judge like that? Sure they wouldn't, and they wouldn't let any other feller go back on him either; not much; not if they could prevent it; and they thought they could. And they did, as they reported from time to time.

It was this case, which, coming home so personally to him, set the Judge thinking. "It seemed to me," he says, "that we were not proceeding just right in such cases. I didn't know anything about it, but it looked wrong to charge these boys with burglary. It was unnecessary under the Law, too; the school law of 1899 permitted children to be

"'We saved that boy, and to-day he is a fine young fellow, industrious, self-respecting, and a friend of the Court'"

brought to the County Court as 'juvenile disorderly persons.' And here they were being arraigned as thieves and burglars. We were dealing with the thing the child did, not with the child; and the child was what should concern us. I don't blame anybody in particular. I had been at fault myself. A good many children were brought into my Court, and I had been following the thoughtless routine. The fact is, I was pretty free in sending boys to the Industrial School at Golden till these special cases awoke my special interest. Then I began to consider the situation generally. I found that there was no system about juvenile cases. Some were sent to the District Court, others to the Justice Courts, others to mine. We all were 'trying' the boys for the 'crimes' they had committed, finding many of them guilty and sending them away. It was absurd; it was criminal, really. The thing a child had stolen was treated as of more importance than the child. This was carrying the idea of property to an extreme. It was time to get back to the idea of men and women, the men and women of to-morrow, and obviously some system of character-building was needed in the Court. Fortunately, there were laws in existence under which juvenile offenders could be brought into court as 'dependent,' 'neglected,' or 'delinquent' children, and these laws were enough as they stood for the starting of a Juvenile Court. We hoped to get other laws later; but those that we had would enable us to treat the children, rather than the children's 'crimes.'"

Judge Lindsey went to District Attorney Lindsley with the request that all children's cases be brought to his Court; and that they be accused there of delinquency instead of the particular crimes for which they were arrested. The District Attorney was willing. Lindsey's request was regarded as "queer," but nobody wanted the bother of these "kids' cases," so the Judge was permitted to found his "kids' court." And he founded it, and it is the "kids' court," their very own. It is run in the interest of the "bad" boys and girls, and therefore of the State, and the children needed the Court, and so did the State.

While the Judge was "thinking," the question arose in his mind: "What sort of a place is the Industrial School where I have been sending boys so freely?" He went to Golden to see. Nobody up there remembered ever having been visited before by a judge on the bench, and this Judge saw boys with the ball and chain on them. He began a quiet reform of the reformatory. Then he asked himself what kind of places the jails were. One Sunday evening, he visited the City Jail. "It was a dirty, filthy place," he says. "The plaster was off the walls, which were crawling with vermin." He went over to the County Jail. The conditions were much the same, but what stirred up the Judge's "thoughts" to the bottom of his heart, was the sight of boys in the same cells with men and women "of the vilest type." A little further inquiry showed him that these children were allowed to associate freely with grown criminals. Locked up with them in the County Jail, they visited the men in the bull-pen down in the City Jail. The boys liked to listen to the "great criminals," and the great criminals liked to brag

to the boys. It was a school of crime. The men told the boys how they "beat the police" and, filling them with criminal ideals, taught them how to commit "great" crimes.

"I found that in the five years before I went on the bench, 2,136 Denver boys had been in these jails for periods varying from a few hours to thirty days, and," the Judge adds in his mild way, "I was satisfied the influence was not good. But that was typical. This was being done all over the country, and it is now in many places. Every boy who makes a mistake, or if you will, every child that shows any tendency to crime is sent to a school where crime is taught. Is it any wonder that juvenile crime is on the increase?"

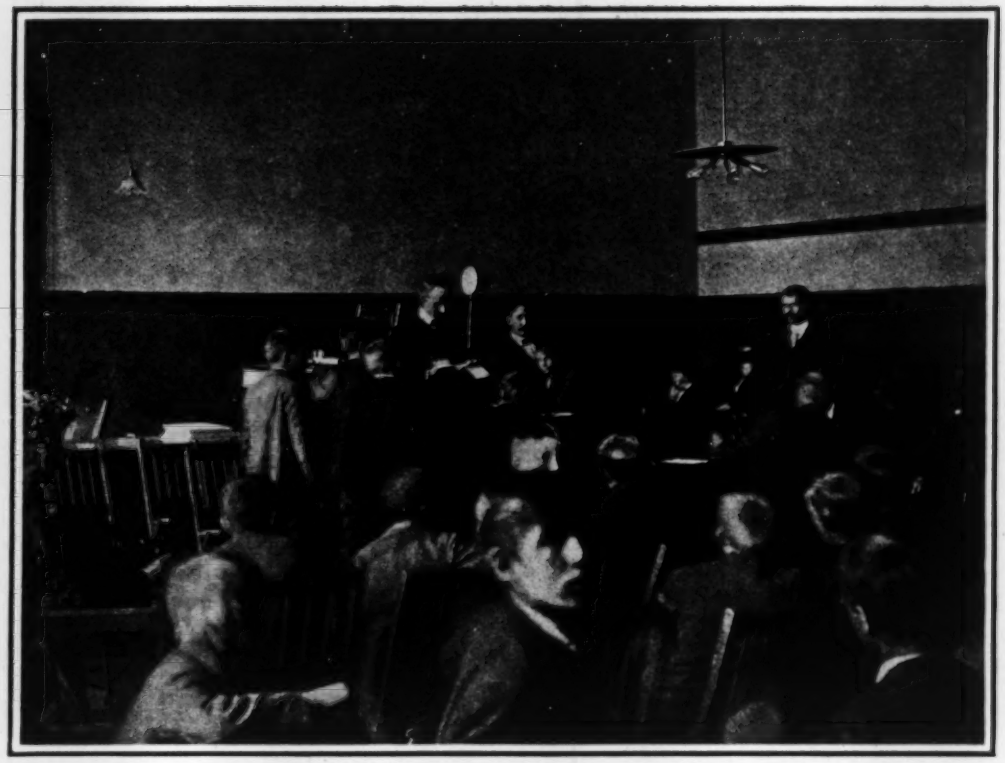
And the Judge found that juvenile crime was on the increase generally in the United States. He engaged the services of a clipping bureau, and he quotes in his "Problem of the Children," some of the results: "Five thousand boys arrested last year" (in one city); "Four thousand out of 16,000 arrests last year were boys under twenty" (in a city of less than 150,000); "Bandits Caught Mere Boys" (a frequent head-line); "Over half the murderers last year were boys"; "Boy Burglars Getting Common"; "Thieving Increasing among Children"; "Desperate Boy Bandits Captured" (aged 12, 13, and 15). And he cited the Van Wormer boys of New York; the Biddles of Pennsylvania; the car-barn murderers of Illinois; the Collinses of Missouri; the boy murderers of Nebraska; the Youngblood murderers of Denver; the boy train-wreckers of the West; the reform school boy murderers of California. The phrase "mere boys" indicated that the news editors regarded juvenile crime as exceptional and remarkable; it isn't. Three-quarters of the crimes committed in the United States, the Judge says, are done by boys under twenty-three! "And why not?" he asks. "The children of parents who die or fail in their duty are taken by the State and sent for their schooling into the streets or jails where they pick up false ideals and criminal arts. With few exceptions, all these boy-criminals named above, whom society has sent to the slaughter-house to be killed, had been sent to jail in their teens by society for other crimes. And most of them were first imprisoned as little children."

In other words, our criminal court system does not prevent, it fosters crime. Our "businesslike" procedure of heartless, thoughtless "justice" makes criminals. What should the State do? The Judge says that when the State gets hold of a "bad" child, it takes the place of the parent, and like a good parent, it should try to mold that child into a good citizen. He gives an illustration in his "Problem of the Children."

"We recall the case (and it is one of hundreds)," the Judge says there, "of a young man who had been in the criminal courts at the age of thirteen. At twenty he shot down a policeman who was heroically doing his duty. Suppose that at the age of thirteen that boy had been studied, helped, looked after, and carefully handled; would that policeman be maimed for life or dead, a young wife and child a charge on the community, and a strong, robust young man a charge on the State for life? Perhaps not, and even so we could have felt better about it, and in the sight of God less accountable. Was the State responsible? Yes, even more than the boy, for he was in jail in the plastic stage. The State had him in time, and it did nothing — not even try. The

A "bad" boy of whom the Judge writes in a letter: "He is a prince of a kid to-day, twelve years old and doing fine"

State treated him as a man, this boy . . . Strange that if his money or property were involved he could control none of it; he would need a guardian in that case. A boy's property is important.



THE "KIDS' JEDGE" AND HIS COURT OF APPROBATION

"The criminal court for child-offenders is based on the doctrine of fear, degradation, and punishment. The Juvenile Court was founded on the principle of love" — Judge Lindsey

But his morals — the boy, the man in embryo, the citizen to be — needed no guardian. This boy needed no help. He needed punishment. He needed retribution, and so as a boy he go. what men got, that which is often barbarous even for men. I have seen them, eleven to fifteen years of age, in the same bull-pen with men and women, with chains about their waists and limbs. And I have seen them crowded together in idleness, in filthy rooms where suggestiveness fills the mind with all things vile and lewd. Such has been too often the first step taken by the great State in the correction of the child."

Judge Lindsey founded his Juvenile Court to correct and save to the State the children who were caught up in the meshes of the criminal law, and his first step was the correction of himself and of the Court. Having to start with only the idea, which was really little more than a sentiment, that the welfare of the child prisoner was the chief consideration, he had to institute proceedings to meet the needs of the child. What were those needs? The Judge didn't know, and he had no theory; he had to find out for himself. How did he go about finding out? Very simply, very naturally. He asked the child.

One of the first, most obvious observations he made was that children came into court with either tears or defiance in their eyes. They hated the policeman, and they feared the Judge, and since the "cop" and the Court were the personification of justice and the State, these young citizens were being reared in the spirit of dread and hatred of law and authority. This was all wrong, and yet it was perfectly natural. "The criminal court for child-offenders," writes the Judge, "is based on the doctrine of fear, degradation, and punishment. It was, and is, absurd. The Juvenile Court was founded on the principle of love. We assumed that the child had committed, not a crime, but a mistake, and that he deserved correction, not punishment. Of course, there is firmness and justice, for without these there would be danger in leniency. But there is no justice without love."

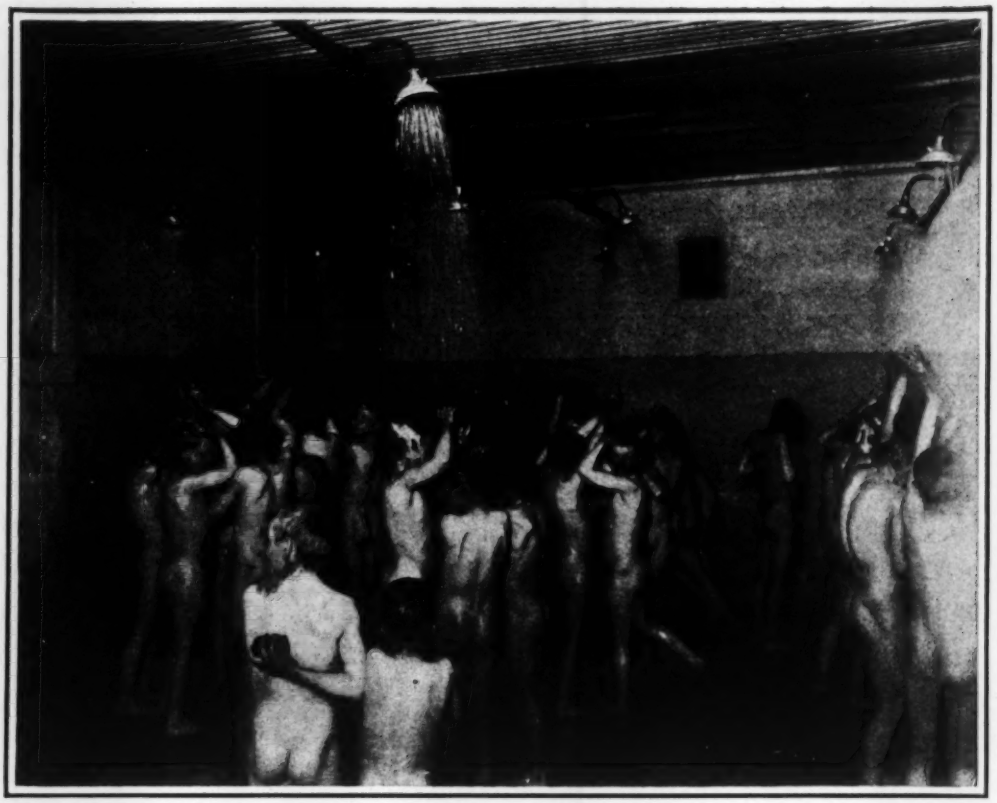
The Judge drove out fear from his Court, and hate and brutality; for awe, he substituted confidence and affection. How did he do this? By coming down off the bench to the boy. Since the boy was the center of interest, the Judge subordinated his own "dignity" and the whole machinery of the Court and even the "stolen property," to win back the prisoner at the bar. The good of the boy, obviously paramount in the mind of the Court, was made paramount in the mind of the boy, who was led to feel that everybody cared about him, that everything done was done for him and in his interest. "Of course," he says, "the Law is important, but the vital thing is the relationship established with the child. The case from the boy's standpoint must be understood." Each case, the Judge means. He seeks to get for himself a personal, sympathetic understanding of each separate case. There are no hard and fast rules. No fixed routine will do the work. The Judge didn't turn away hate, quiet fear, and dry tears by any "methods." When a child is brought weeping or scowling before him, Ben Lindsey is dragged off that bench by his heartstrings, and when he sits on a stool beside the boy in trouble, or goes for a walk with him, or takes him home to dinner or "out to the show," this is no art thought out by a wise man. This is nothing but a good man putting into his work what he wants to get out of it — "faith, hope, and love."

To understand the case of Ben Lindsey, it is necessary to study it as he advises us to study the cases of boys — from the boys' standpoint. He tells in one of his articles how a young fellow of twenty, who was under sentence for murder, regarded the old criminal court. This boy had been arrested at the age of twelve for stealing a razor to whittle a stick. "It was this way," he explained to Lindsey. "The guy on the high bench, with the whiskers, says, 'What's the boy done, officer?' And the cop says, says he, 'He's a bad kid, your Honor, and broke into a store and stole a razor.' And the guy on the high bench says, 'Ten dollars or ten days.' Time, three minutes; one round of a prize-fight."

In Judge Lindsey's Court, in the beginning, when boys still came there with sorrow and gnashing of teeth, they saw no "guy with whiskers, on a high bench" asking the "cop" questions. They saw a clean-cut young man come into court, go up to the first boy to be "tried" and ask: "What's the matter, my boy? You been making a mistake? Well, lots of fellers make mistakes. That's nothing. I've made mistakes myself, worse'n yours, I guess." Then turning to the policeman, he asks: "What is it, officer?" The policeman tells about the crime, say theft. "Stealing isn't right," says the Judge, and he appeals to the boys in the court room, "Is it, fellers?" Putting his hand on the boy's shoulder, he gives him a shove back and a pull forward. "It's weak to swipe things." That hurts. Boys learn

Members of Judge Lindsey's "Kids' Court" Gang

in the street that it's smart and brave to steal, and the only evil thing about it is getting caught. Lots of men take this view, too, but Judge Lindsey sets up another standard. "I know how it is," he says. "It's a temptation. It's a chance to get something easy: something you want; or something you can sell to get something you want. Wanted to go to the show, maybe. Well, it takes a pretty strong feller to down the desire to take the



"As clean as possible"

chance and see the show. But it's wrong to swipe things. 'Tain't fair; 'tain't brave; it's just mean, and it hurts the feller that steals. Makes him steal again, and by and by he is caught and sent up — a thief. Now you ain't a thief, and you don't want to be. Do you? But you were too weak to resist the temptation, so you were caught. Ought to cut it out. Not because you were caught. That isn't the reason a feller oughtn't to steal. It's because it's mean and sneaky, and no feller wants to be mean and sneaky. He wants to be on the square.

"But what are you crying for? You've been crying ever since I began to talk to you. Afraid of being punished? Pshaw, a feller ought to stand up and take his medicine; but we don't punish boys. We just try to help 'em get strong and be square. Even when we send fellers to Golden, it isn't for punishment; it's only to help a kid that's weak get strong enough to control himself. So we aren't going to punish you. I believe you can control yourself without going to Golden. We'll see. But first off, a kid ought to be strong enough and sufficiently on the square to tell the truth about himself. 'Ought to tell not only about this time, when you're caught, but all the other times, too. You wait, and after court we'll go back in chambers and we'll have it all out, just us two."

This is rather reassuring, isn't it? It proved so to the children who sat waiting their turn at the first sessions of the Juvenile Court. There was no terrorism in it, no trace of hardness, there were no awful forms. The children felt the difference. "The Judge, he gives a feller a show," said one boy to me. And as they saw the proceedings in court, so the children heard about the scenes in chambers. These were the best of all, best for the kids and best for the Judge. There is where Lindsey saw into the hearts of children, and where they saw into his.

"Never let a child get away with a lie on his soul," the Judge says. "A clean breast is half the battle." Children are wonderful liars, but the Judge thinks he can tell when they are lying; and they admit that he has an instinct for the truth. One foundation for their respect for him is that with all his

kindness he isn't sentimental; and he isn't "easy." "You can't fool the Jedge," the boys say, and the police tell, as an illustration, the story of a "tough kid" on whom all the Judge's appeals seemed to fail. He "lied straight," and since the Judge will not help (try) a boy who will not tell the truth, he told the officer to take the boy away. On the way back to jail, the boy changed his mind. He asked to be taken again before the Judge. "You're right, Judge," he said, "and you're game, too. I lied to you; I lied like a horse thief; and I couldn't fool you a little bit. You've beat me, Judge, and I'll tell you th' truth." And he did.

The Judge in chambers reasons with the boy that while it is wrong to "snitch" on other fellows, it is all right to "snitch" on yourself. The boys understand this. It is made clear to them that there is no punishment, only "help for a feller if he needs it," and among the most interesting experiences that the Judge has to tell, are the discussions he has with boys as to whether they "need to go to Golden."

There's a little, old, young, big man, called "Major," whom I saw in command of the battalion at Golden. He is somewhere between twelve and sixteen, but with an old, old face; very tiny in stature, but very tall in dignity. He never smiles, so sober and sensible is he. But he had what the kids and their Judge know as the "movin'-about fever." The Major had come honestly by it. He had no home and he wanted none, for he could range all over the West, from Chicago up into Idaho and down into New Mexico, and always, everywhere, he was known, for his pompous dignity, to hoboes, cow-boys, miners — to all men as "the Major." The Judge gave him trial after trial, and it was no use; the time always came when the Major had to "move on." If they must move, the Judge lets boys go, but he expects them to call on him to say good-by, and be pledged to write to him regularly and not to steal. Well, once when the fever was coming upon the Major, he called on the Judge. The Judge urged the Major to down the temptation. The Major tried, but he couldn't; he confessed that he was too "weak" to resist. Then the Judge suggested Golden; they would help him there all right to stay. The Major received the suggestion thoughtfully. He raised objections which the Judge answered, but they separated without a decision, and the Judge says that for a week or two he and the Major weighed ponderously the mighty question, till in the end the Major agreed that perhaps he'd better go up to Golden and be helped to cure that moving-about attack and thus learn to "stay put." That's how the Major came to go to Golden, and that's how he won the rank and title which the "movin'-about" world had given him as a "little shaver."

And that's the spirit in which the Judge in chambers persuades boys to "snitch up" on themselves and look upon the reformatory as a help. As they begin to tell him things bit by bit, he expresses no horror, only understanding; he sympathizes with a feller. If a kid describes how he saw an easy chance to steal and not get caught, the Judge exclaims: "Gee, that was a chance. That's certain. But 'tain't square, Hank." "Mistake" after "mistake" is confessed, "weakness" after "weakness"; no crimes, you understand, for the kid and the Judge, they see things through the kid's eyes, with all the mitigating circumstances. And so they come to discuss the question whether the kid can "cut it out." The Judge is sure the boy can, surer than the boy, but then, it's up to the boy because the boy has to do the hard work of resisting. The Judge can "only help; th' feller has to do the business himself." "Interest is everything in a boy's life," the Judge says sagely. "If you want his loyalty, excite his interest." Well, the game of correction is interesting, especially when you are the center of the game. It's one of the most interesting games "a feller" ever played, and the Judge has a fascinating way of playing it. Having done something wrong, you try to do something that's right, positively right. This is the Judge's great doctrine. He calls it "overcoming evil with good." There's nothing "sissy-boy" about it. You have done an evil thing; you are not therefore bad, only so much weakened. So you go and do a good thing. This not only balances the evil, it "strengthens a feller."

Now, then, a good thing a feller can usually do right away is to go out and bring in some other kids that are "swipin' things." You mustn't tell the Judge who the other fellers are. That would be snitching. But it's all right to get the other fellers to come in and "snitch up" on themselves just as you have "snitched up" on yourself. That gets them into the game; helps them and, since

the more fellers there are in on it, the easier it is for you — it helps you.

One of the early cases in the Juvenile Court was that of seven boys brought before him by a policeman who had caught them wiring up signal-boxes, hopping cars, stoning motormen and conductors, and otherwise interfering with the traffic of the street railway. The boys were either tearful or sullen, and they denied the testimony of the officer and his witnesses. The Judge took them into his chambers. There he cleared away all ideas of punishment, and got down to the truth. The Judge could see that it was fun, but also he could see that what was fun for the boys was trouble for the conductors and motormen; it made life hard for them, delayed them, and got them home late. The boys hadn't thought before of these railroad men as human beings, only as "fair game," as "fellers what'd give you a chase if you held 'em up." So the Judge gave the boys a good view of the men's side of the fun, then he said:

"'Tain't fair, is it, fellers?"

"No, sir."

"Well, what do you say to cuttin' it out?"

They agreed. But there was more for these boys to do than simply to quit, themselves. There was an evil deed done to be overcome with good. There was the gang.

"Will you fellers bring in the rest of the gang to-morrow?"

"Sure they would." But they didn't. The seven turned up the next day without their "crowd."

"Well, what are you going to do?" the Judge asked the seven.

They believed that if the Judge would write a letter to the gang, they would come.

"A warrant" said the Judge, seizing the chance to take the terror out of another instrument of the Law. "I'll write you out a warrant, and you shall serve it on the gang. But what'll I write?"

One little fellow spoke up. "You begin it," he said, "begin by saying — 'No kid has snitched, but if you'll come, the Judge'll give you a square deal.'"

This showed what the matter was, and it brought home to the Judge the force of his own feeling against snitching.

The Judge began the "warrant" as the little fellow suggested, and thus he ended it, too. The boys took it, and evidently they served it, for the next day the gang came pouring into the court, fifty-two kids. There was a talk, straight talk, like that which he gave the seven. Only the Judge put more

" 'These young citizens were being reared in the spirit of dread and hatred of law and authority' "

faith into it. He was going to see if they couldn't get along out where that gang lived without any policemen. The peace of the neighborhood was to be left to the gang, but the gang had to play fair and give him a square deal.

"For," said the Judge, making a personal appeal to their honor, "I have told the company that I would be responsible for their having no more trouble. The company don't trust you kids; and they say I'll be fooled. They said you'd go back on me. But I said you wouldn't, and I say now that you won't. So I'm depending on you fellers; and I don't believe you'll throw me down. What do you say?"

"We'll stay wit' you, Jedge," they shouted. And they didn't throw the Judge down. They organized, then and there, a Kids' Citizens League, and the League played square with the Judge.

It will be noticed that Lindsey made effective use in this case of the "gang" which the police and all prematurely old reformers seek only to "break up." The "kids' Judge" never thought of breaking up such organizations. His sense is for essentials, instinctively, and there's nothing wrong about gangs as such. They are as natural as organizations of men. The only trouble with gangs is that they absorb all the loyalty of the members, turning them from and often against the home, the Law, and the State. But that happens in grown-ups' gangs, too. Railroad and other corporations are gangs which, in the interest of their "business," corrupt the State. Churches are "gangs" whose members submit to evils because if they fought them, the church might be hurt. So with universities and newspapers, and all kinds of business organizations. Tammany Hall is only a gang which, absorbing the loyalty of its members, turns it, for the good of the gang, against the welfare of the city. Judge Lindsey simply taught the members of his kid gang what many gangs of grown-ups have to learn, that they are citizens also, and he turned the loyalty of the Kids' Citizens League back to the city, using the honor of the gang as his lever.

Another similiar case came up when two boys were brought in by a policeman from the Union Station. The policeman said they belonged to a gang the members of which stoned him wherever they saw him. Why? Well, he was trying to keep them out of the station and off the grass around the station. What were the boys doing at the station and on the station lawn? They explained, and they explained with many manifestations of hate for the cop. They were there to sell papers. It was their place of business, and everybody had acknowledged it — not only all the other newsboys, but everybody else — till one day, some other bigger boys with red caps appeared there selling papers and things. Then "this cop chased

"Layin' for th' Jedge to snitch up and cut it out"

us off." Why? Why had the cop suddenly interfered with their business? It was his turn to explain, and he explained that the railroad company, having come to realize that the trade in newspapers at the station was profitable, had decided to take a share in it. The concession was let to a man who employed the boys with red caps. The man wanted a monopoly. So the policeman had received orders to drive off the other boys. He had obeyed. No explanation was given to the boys; no notice. They suddenly found themselves deprived of their means of livelihood, and resenting it, blamed the cop and — stoned him.

Thus it was all a misunderstanding; not a "crime" at all, and the Judge undertook to clear it up to the satisfaction of all

concerned. Having explained it to the two boys under arrest, he enlisted their services in behalf of the Court to bring in the others who were "in it" but had not been caught. The policeman, knowing how hard it had been to catch two, was scornful of the Judge's confidence of getting the rest, but he was invited to be present at the hour appointed for the "round up," and he was not a little chagrined when his two prisoners returned with twenty-four other kids. The Judge lined up the gang on one side of the room, the policeman and his friends on the other. This was the Juvenile Court in session; let the Judge describe what happened.

The Major, "very tiny in stature, but very tall in dignity," and his adjutant

"I proceeded to explain why it was that the owners of the station had a right to grant 'concessions' to the man who employed the boys with the red caps to sell papers and carry baggage to the exclusion of all others; why, if the company demanded it, they had a right to protection for their lawn; how all of this was justified by the Law, which secured the right of every man in the enjoyment of his property; how it was not the officer's doings, but the Law that required him to perform his duty; how, therefore, they had no real grievance against the policeman — rather their sympathies should be with him. After the sympathetic admission by both the officer and the Court that if it were our station and grounds all boys could play on the grass and sell papers there, there was gained for the policeman sympathy and loyalty. As 'little citizens,' interested in a 'decent town of decent kids,' they agreed not only to 'keep off' and 'keep out' themselves, but to keep other boys out; and every one agreed 'on the square' that he would give any kid there leave to 'snitch' to me, if any boy broke his word and was not square. Thus harmony was established between their world and ours, and we all pulled together one way."

As the Judge remarked to me, those boys did what few men would do; they gave up their business "just because it was right." All that was necessary was to make them understand the right and their duties, and then to interest them in the "game of correction." The arena for the great game of correction is the Court of Probation. Held every other Saturday forenoon, it is a picturesque and a very pleasant spectacle. All the "bad" boys in town who have been caught committing mistakes or who have "snitched up" on themselves, assemble there to report. It isn't new. Like the Juvenile Court itself, the "method" of putting children on probation did not originate with Judge Lindsey. Yet he discovered it himself. As I quote him as saying above, he didn't know about such things. When he went first to the home of the "cave-dweller" to investigate, he was performing one function of a probation officer; and when he went there again and again, he was holding a court of probation. So with the three pigeon burglars and their gang, he went to see them, but there was no method as yet. It was only as the cases grew that the Judge had to ask the boys to come and see him, and then finally to appoint a time and place where most of the boys could meet all together with him; and that was the origin of Judge Lindsey's Court of Probation, the institution.

But there is more than that to the story of it. The Judge feels that he suffered as

"a little shaver" from lack of approbation. He was born in Tennessee (not far, by the way, from where Joe Folk was born), and his family, well-to-do Southern people, were brought to trouble and to Denver by the War. His father died, and Ben had to work hard as a boy. For a long time he had three jobs: he carried newspapers in the early morning; worked all day in a lawyer's office; and, after hours, served as janitor. Always slight of build, he was often worn out; and nobody appreciated it. He was only doing his duty, and it nearly killed him — literally. He sank under his load to the very verge of despair; and he learned the value of a kind word of sympathy and good cheer.

Many of the bad boys who came to his court were lonely little fellows. They had no home and no friends, and he found in their hearts a longing which he knew all about. He gave them the sympathetic hearing and the kind word he had wanted, and "they drank," he says, "they drank in my friendship as if they were famished." Right there we have one secret of his "hypnotic" influence over children. The Judge is proud now of the fact that he has made himself a friend of every boy in town, or, at least, of every "feller that needs a friend," and he will tell you the philosophy and the use of his method if you care to listen. He will tell you how he learned from the gangs that the members thereof did bad things largely because some big fellow, who was bad, or some leader of their own, suggested to them evil and praised them for its accomplishment. He will reason it all out for you, now, if you wish, showing how by his method he has put himself in the place of the big fellow; made himself the fountain of praise, the source of approbation, "the feller" for whose good words kids do good things now. In short, Ben Lindsey is the actual leader of most of the gangs of Denver, and the loyalty which the boys give to him, he is giving back to the State.

All this, however, is but the unforeseen result of this kind man's native sweetness and strength. The only definitely thought-out method is that of having the boys bring reports from the schools. "If you want a boy's loyalty, excite his interest." It was easy enough for the Judge to excite the boy's interest; the problem was to keep it. In the early history of the court, before the new laws, he had no probation officers to follow up his cases, and since there was too much for him to do, he bethought him of the school teachers. The Judge has always been clear on the point that his Juvenile Court is merely supplementary, that the home and the school are the places where juvenile character should be molded, and that he had to do only with those children who, for some reason, were not successfully treated in the regular way. Thus he was helping the teachers, and since he needed help, he went to the teachers for it, and he got it. The school teachers of Denver have been his mainstay. All that the Judge required of the teachers was a report as to how the boys in his Court of Probation were doing in deportment and studies. "What I was after," the Judge explained, "was something for which I could praise the boy in open court. Believing in approbation as an incentive, I had to have their reports for the boy to show me, in order that I might have a basis for encouraging comment, or, if the reports were not up to the mark, for sympathy. It didn't matter to me very much what the reports were about. Some of the teachers couldn't see at first why they should report on the scholarship of a boy who was good at school and bad — a thief, perhaps, — out of school. But you can see that these fortnightly reports were an excuse for keeping up my friendly relationship with the boy, holding his loyalty, and maintaining our common interest in the game of correction he and I were playing together. Since we had a truancy law, the teachers were in touch and thus could keep me in touch with every boy under school age in the city, and their reports were my excuse for praise or appeal."

Judge Lindsey's Court of Probation is thus a Court of Approbation. It serves other purposes; indeed it is everything to the boys of Denver. It is the State, the Law, and Justice; it is Home, School, Club, and Society; it is Friendship, Success, and the scene of Triumphs; it is the place also where Failure goes for Help and for Hope renewed. It is all that Judge Lindsey is; all that he means to the minds of the boys. For the Judge's personality makes it, his and the boys', and they made it up out of their own needs.

The boys assemble early, two or three hundred of them, of all ages and all sorts, "small kids" and "big fellers"; well-dressed "lads" and ragged "little shavers"; burglars who

have entered a store, and burglars who have "robbed back" pigeons; thieves who have stolen bicycles, and thieves who have "swiped" papers; "toughs" who have "sassed" a cop or stoned a conductor; and boys who have talked bad language to little girls or who "hate their father," or who have been backward at school and played hookey because the "teacher doesn't like them." It isn't generally known, and the Judge rarely tells just what a boy has done; the deed doesn't matter, you know, only the boy, and all boys look pretty much alike to the Judge and to the boys. So they all come together there, except that boys who work, and newsboys, when there's an extra out, are excused to come at another time. But nine o'clock Saturday morning finds most of the "fellers" in their seats, looking as clean as possible, and happy.

The Judge comes in, and passing the bench, which looms up empty and useless behind him, he takes his place, leaning against the clerk's table or sitting on a camp-chair. "Boys," he begins, "last time I told you about Kid Dawson and some other boys who used to be with us here and who 'made good.' To-day I've got a letter from the Kid. He's in Oregon and he's doing well. I'll read you what he says about himself and his new job." And he reads the letter, which is full of details roughly set in a general feeling of encouragement and self-confidence.

"Fine, isn't it!" the Judge says. "Kid Dawson had a mighty hard time with himself for awhile, but you can see he's got his hand on his throttle now. Well, let's see. The last time, I talked about snitching; didn't I? To-day I'm going to talk about 'ditching.'" And he is off on the address, with which he opens court. His topics are always interesting to boys, for he handles his subjects boy-fashion. "Snitching," the favorite theme, deals with the difference between "snitching," which is telling on another boy to hurt him; and "snitching on the square," which is intended to help the other fellow. "Ditching" is another popular subject. "To ditch" a thing is to throw it away; and the Judge, starting off with stories of boys who have ditched their commitment papers, proceeds to tell about others who, "like Kid Dawson out there in Oregon," have "ditched" their bad habits and "got strong." I heard him on Arbor Day speak on trees; how they grew, some straight, some crooked. There's always a moral in these talks, but the Judge makes it plain and blunt; he doesn't "rub it in."

After the address, which is never long, the boys are called up by schools. Each boy is greeted by himself, but the Judge uses only his given or nick name. "The boys from the Arapahoe Street School," he calls, and, as the group comes forward, the Judge reaches out and seizing one by the shoulder, pulls him up to him, saying:

"Skinny, you've been doing fine lately; had a cracker-jack report every time. I just want to see if you have kept it up. Bet you have. Let's see." He opens the report. "And you have. That's great. Shake, Skin. You're all right, you are." Skinny shines.

Pointing at another, he says, "And you, Mumps, you got only 'fair' last time. What you got this time? You promised me 'excellent,' and I know you've made good." He tears open the envelope. "Sure," he says. "You've done it. Bully for you." Turning to the room, he tells "the fellers" how Mumps began playing hookey, and was so weak he simply thought he couldn't stay in school. "He blamed the teacher; said she was down on him. She wasn't at all. He was just weak, Mumps was; had no backbone at all. But look at him now. He's bracing right up. You watch Mumps. He's the 'stuff,' Mumps is. Aren't you, Mumps? Teacher likes you now all right, doesn't she? Yes. And she tells me she does. Go on now and keep it up, Mumps. I believe in you."

"Why, Eddie," the Judge says, as another boy comes up crying. "What are you crying for? Haven't you made good?"

"No, sir," Eddie says, weeping the harder.

"Well, I told you I thought you'd better go to Golden. You don't want to go, eh? Get another job, you say? But you can't keep it, Eddie. You know you can't. Give you another chance? What's the use, Eddie? You'll lose it. The best thing for you, Eddie, is Golden. They'll help you up there, make you stick to things, just make you; and so you'll get strong."

Eddie swims in tears, and it seemed to me I'd have to give that boy "another chance," but the Judge, who is called "easy," was not moved at all. His mind was on the good of that boy; not on his own feelings, nor yet on the boy's. "You see," said he to me, "he is hysterical, abnormal. The discipline of Golden is just what he needs." And he turned to the room full of boys.

"Boys." he said, "I'm going to send Eddie up to Golden. He hasn't done wrong; not a thing. But he's weak. He and I have tried again and again to win out down here in the city, and he wants another trial. But I think a year or so at Golden will brace Eddie right up, and make him a strong, manly fellow. He's not going up there to be punished. That isn't what Eddie needs, and that isn't what Golden is for. Is it, fellers?"

"No, sir," the room shouted.

"It would be unjust to punish Eddie, but Eddie understands that. Don't you, Eddie?"

"Yes, sir, but" (blubbering) "Judge, I think, if I only had one more show, I could do all right."

"Eddie, you're wrong about that. I'm sure I'm right. I'm sure that after a year or two you'll be glad I sent you to the school. And I'll be up there in a few days to see you, Eddie, myself. What's more, I know some boys up there — friends of mine, that'll help you, Eddie; be friends to you. They won't want to like a kid that cries, but I'll tell 'em you need friends to strengthen you, and they'll stay with you."

All forenoon this goes on, the boys coming up in groups to be treated each one by himself. He is known to the Court, well-known, and the Judge, his personal friend, and the officers of the Court and the spectators, his fellow-clubmen, all rejoice with him, if he is "making good," and if he is doing badly, they are sorry. And in that case, he may be invited to a private talk with the Judge, a talk, mind you, which has no terrors for the boy, only comfort. They often seek such interviews voluntarily. They sneak into the Judge's chambers or call at his house to "snitch up" that they are not doing well. And the boys who sit there and see this every two weeks, or hear all about it, they not only have forgotten all their old fear of the Law; they go to the Court now as to a friend, they and their friends. For Judge Lindsey had not been doing "kid justice to kids" very long before all Boyville knew it. The rumor spread like wildfire. The boys "snitched" on the Judge, "snitched on the square"; they told one another that the County Judge was all right.

The Judge tells many stories to illustrate the change that followed. Once as he approached a group of boys, one of them said: "There's th' Jedge, fellers," and two kids dived down an alley. The others gathered around the Judge.

"Who were those boys that ran away?" he asked.

"Who? Them? Oh," came the answer, "they're kids from K. C." (Kansas City); "they ain't on to the game here."

Another time the Judge was walking along the street arguing with a friend that stealing isn't a heinous crime in a boy and that it shouldn't be treated with holy horror. Most boys swipe something at one time or another; and to prove his point, he halted before a "gang."

"Say, kids," he said, and, as they looked up, he asked, "how many of you fellers have swiped things?"

Every boy's hand shot up in the air. The Judge had proved his point, but he had proved also another thing. Those boys knew he was the Judge, yet they were not afraid to tell the truth. Or, to state the situation more completely: those boys knew he was the Judge and *therefore* they were not afraid to tell him the truth. Not all these boys had been in his Court; in fact, only one or two had; but that didn't matter. All the boys of Denver know of the Judge, and what they know of him is that *though* he represents the Law and the State, he is "all right."

One afternoon, a boy of about ten years stuck his head into the door of the Judge's private room.

"Is the Judge in?" he asked.

"Yes," said the Judge.

"Is this him?" the boy asked.

"Yes, my boy. I'm the Judge."

"Well, I'm Johnny Rosenbaum, and I came down here to see you."

"Yes? I'm glad you've come, John, but what did you come for?"

"Well," he said, "Joe Rosenthal, he used to come down here, and he 'swiped' things once. And I 'swiped' something, and he said I better come down here and see you about it."

"All right, but what have you come to me about it for?"

The tears started. "Well," he said, "I came down here to tell you I'd cut it out and never do it again. And I thought I better get here before the cop did. Joe said the cop 'ud ditch a kid that swiped things, but that you'd help a feller to ditch the swipin'."

"Yes, I'll help you ditch swipin', but you're a mighty little boy; how did you find the way down here alone?"

"Oh," he said, "most every kid I seed knew about it, and they passed me down th' line to here."

Johnny Rosenbaum was put on probation, and he began overcoming evil with good, as he proved one day in court. Sometimes the Judge will turn to the boys and ask whether any feller there has done that week a thing good enough to make up for an evil thing done before. Once, when he asked this question, Johnny rose and said:

"Judge, some of the kids I run with was diggin' a cave, and we wanted a shovel, and they said, 'Let's go and swipe one.' So they wanted to put me into Mr. Putnam's barn where the shovel was, through a little hole that nobody but a little kid could crawl through. And I says, 'No, I gotter report down to th' Judge, and I told him that I'd cut out swipin' and when I got a chanct I'd do a good thing. Now is my chanct,' I says. 'I won't swipe th' shovel,' I says, 'and you mustn't,' I says to them. Now I ain't goin' to snitch on who the fellers was because they says, 'All right, we won't swipe the shovel.' And I went 'round and I ast Mr. Putnam to borrow us the shovel, and he said he would. So we got the shovel on th' square. But, Judge, if I hadn't done that they would have swiped the shovel, wouldn't they?"

"Yes, John," said the Judge. "They would have swiped the shovel, and if you ever swiped anything in your life, you have more than made up for it by doing the right thing this time."

Another case of "making good" was that of Eli Carson. Eli told at a meeting how his news gang down in the Post alley were going to "swipe a box of cherries off'n Wolf Londoner's grocery store." "I says it wasn't square," said Eli, "and the other kids, they all allowed it wasn't either. Texas was th' kid that said first to swipe th' cherries; and he thought afterwards it was best not to do it. And I wanted to tell you, Judge, that I had done a good thing, but Texas he didn't want me to. But by and by Texas changed his mind, and says I could tell you. So I'm not snitchin', am I?"

"An experience like that," the Judge said by way of comment, "goes to show that my theory is correct, that all we need is an influence for good to counteract the influence for bad of the gang. For Texas is a well-known newsboy, and had Eli not been a member of our gang, coming to Court where he could tell his experiences in the presence of one hundred and fifty other boys and be praised, why, then, Eli would have wanted to please Texas. As it is, he wants to please me and the Court gang."

Another instance of faith in the Court: the Judge had been trying a case all day. It was a grown-up case, difficult and slow, and when the adjournment came late, at six o'clock, the Judge was tired. As the court room cleared, however, he saw a child in a back seat. "He was so small," the Judge says, "that I thought some one must have gone off and forgotten him, and I told 'Uncle John' Murrey (the bailiff) to find out whose child it was. But when Uncle John spoke to him, the little fellow got up, and I saw he was almost ten years old. I called him up to the bench, and he came, and when he reached me he dropped his head on my shoulder and began to sob.

"Judge," he said, "I'm Clifford, and my mama don't live here, and I stay with my aunt down on — Street, so I been swipin' things, I have, and I come here to 'cut it out.'" As the tears flowed more abundantly, he said he was sorry and would never do it again if the Judge would "give him a show" as he had another boy he named. The Judge took the little fellow back in his chambers; they had a long talk, and the boy, put on probation, reported regularly and well. "He turned out to be a splendid boy," the Judge says.

But the best example the Judge gives of the difference in results between the old criminal court system of vengeance and fear and the new method of friendship and service, is a story he tells of two brothers. "Both were wayward," he says. "The older was brought to the criminal court for some boyish offense in the days before the establishment of the Juvenile Court. He was flung into a filthy jail and herded with men and women where he heard and saw vile and obscene things. He was dragged into court by an officer and put through the police court mill. He was only a little boy. He had been sinned against long before his birth. Both by heredity and environment he had been driven to lawlessness. But the State took no account of this. It had its chance to make a good man of him. He wanted bread; the State gave him a stone. It branded him a criminal, made him a criminal. It made the pressure of evil upon him inexorable. Today he is a man and in the penitentiary.

"The younger brother was as wayward as the elder. Four years ago he was brought to the Juvenile Court, defiant and frightened, just as his brother had been taken to another tribunal. The policeman told me the boy was a very Ananias, and I replied that, given the same conditions, he (the cop) would probably have been the same, and the officer went away convinced that there was no use bringing boys to the Juvenile Court, where the Judge 'did nothing to them.' The policeman would count as nothing the many hours during many weeks that I labored for that boy. He told me the truth; he convicted himself, but no stigma of conviction was put upon him and he was not punished. He was put on probation and encouraged to do his best. He was made to feel that the State was on his side; that the forces of the Law were working for him rather than against him; that the Court was his friend, his appeal when he was in trouble. And that Morris, as I will call him, did feel perfect faith in the Court, the Law, and the State, he proved once in an amusing way.

"One day I was trying an important will case. Millions of dollars were involved. The door opened on a jar, and Morris poked his freckled face in, piping up that he wanted to see the Judge. The bailiff started to shoo him away, but I called in the boy. I ordered a recess. No doubt the distinguished counsel were shocked; certainly they looked shocked. But a live boy looms larger than a dead man's millions to me, and when this boy came into my Court, unafraid, smiling, and sure of justice, I remembered the flash of fear and hatred that I once had seen on this same freckled face. So I beckoned Morris up to me, and I heard his case then and there. He was in business. He sold newspapers, and his place of business was a certain busy corner where he dealt not only with pedestrians, but with passengers on passing cars. The 'old cop,' it seemed, had let him 'hop the cars,' and all had gone well till a new cop had come there. The 'new guy,' as Morris called him, had ordered the boy off the corner. ''Thinks 'cause he's a cop he owns the whole town,' said Morris, who was losing about fifty cents a day. The case stated, I asked Morris what he would have me do.

"Evidently Morris had been reading, as well as selling, his newspapers, for he was ready with his answer.

"'Judge,' he said, 'can't you gimme one o' them there things they call injunctions against de fly cop?'

"I gave him one. Why not? I called for an injunction blank, and on it I wrote a note to the policeman. I told him about Morris; not much, but enough to make him understand that the boy was one of my probationers who was trying to 'make good'; that he was bringing me good reports from his teachers; and that I hoped the officer would give the boy all the leeway possible. To the boy I explained that the officer represented the Law, as I did, and must be respected accordingly. Morris went away gleefully with his writ."

And the writ "worked." The Judge says that the next time he saw Morris, he asked the boy about it. Morris said he had "served it all right."

"An' say, Judge," he said, "it worked fine. De cop liked to a dropped dead when he read it. He tinks I got a pull wit' de Court, so he wants to be my friend. And I don't know but I'll let him in." The Judge spoke for the cop. He told Morris he must be a friend of the policeman, and the boy reported later that he had "let the cop in." And he had. The Judge learned that they became good friends.

In his comment on this incident, the Judge attributes the difference between Morris and his brother to one thing: "opportunity." "The State," he says, "surrounded the boy who is in the penitentiary with everything to make him do evil; hence the State must support him now in the penitentiary. The State surrounded Morris with every influence to make him do right; hence he is growing up a good citizen who will support the State." There is a great difference there. But I want to point out another "difference," a "method" of the Judge to which he does not refer in anything he ever says about the celebrated injunction case of Morris, the "bad" boy, vs. the new cop on his corner. Recall what the Judge wrote into that injunction. How did he make the policeman obey the writ which the boy served on him? The Judge simply told the policeman about the boy. Having told the boy about the cop, he related enough of the history of the newsboy to get the cop interested in the boy and in the game of correction which he and the boy were playing together. In other words, Ben Lindsey, the man of heart, reached for the heart of the policeman, and since the heart is a vital spot, it is no wonder "de cop liked to a dropped dead."

This, then, is Judge Lindsey's "method." It is an old method. He didn't discover it. A great religion was founded on "faith, hope, and love" once. That was long ago. The only new and interesting thing about Lindsey's experiment is that he finds that this ancient, neglected method "works" — works too, as I said at the outset, with grown-ups as well as with children, with cops as well as with kids. It has won his fight for him. Yes, he fights. The kids' Judge has had to fight, and, as we shall see, he has fought. The fight isn't finished yet. The "bad" men of Colorado haven't been taught by their State and their courts to see things as the bad boys of Colorado are learning to see them. They also go to the courts for injunctions, and *some of them* get their writs. Ben B. Lindsey is a man with a man's fight for men on his hands, and he is the kind of man that finishes his fights. He will win with good men or — he'll wait and win it with bad boys. For his bad boys will grow up some day, and they know what the State can be to a feller and that "there can be no justice without the love of man for man."

TO BE CONTINUED IN THE NOVEMBER NUMBER

ONE OF THE EIGHTY THOUSAND

BY

JAMES LINCOLN

ILLUSTRATED BY FREDERIC DORR STEELE

THE dainty face of Dolores peeped over the balcony, but the sky was so heavily clouded and the shadow of the grim Moorish wall so deep that Celestino, singing below to the tinkle of his guitar, could not be sure of her presence.

After a moment's pause he struck into another of the old Andalusian cóplas, which he had known by heart for at least twelve years, two-thirds of his happy-go-lucky life:

If I had a blossom rare,
I would twine it in thy hair,
Though God should stoop and ask for it
To make His heaven more exquisite.

"Caramel phrases!" thought the girl above, flirting her fan with a gesture of impatience. "When has he ever given me anything worth the having? Yet if Celestino were not as poor as the blessed saints——"

The mellow young tones floated up again:

Sweetheart, little Sweetheart!
Love, my Love!
I can't see thine eyes
For the lashes above.
Eyes black as midnight,
Lashes black as grief!
O, my heart is thirsty
As a summer leaf.

The girl slipped lightly through the window into the room behind, caught up a glass of water from the table, and, returning to her station, mischievously sprinkled the cloaked figure beneath her balcony. The serenader changed his strain to one of reproach:

Such love for thee, sent forth from me,
Beats on such iron gate
That I, used so, no longer know
Whether I love or hate.

But a silvery little laugh from the balcony dispelled his grievance, and he lifted a glowing face to the darkness as he sang again, half in mirth and half in passion :

If I could but be buried
In the dimple of your chin,
I would wish, Dear, that dying
Might at once begin.

This time the señorita, leaning far out over the rail, warbled a soft response :

You're always saying you'd die for me.
I doubt it nevertheless ;
But prove it true by dying,
And then I'll answer yes.

The teasing cópla had an unexpected sting for the young cavalier, who turned sharply, thrust the guitar under his cloak, and started off down the road, pausing a few rods away to fling back a most ungallant farewell :

I'll not have you, Little Torment,
I don't want you, Little Witch.
Let your mother light four candles
And stand you in a niche.

Dolores listened with momentary dismay to the sound of the rapidly retreating footsteps. Then she laughed that saucy, tantalizing, bewitching laugh of hers. It did not reach him ; it did not bring him back. But what of that ? There was always to-morrow. And there was always Celestino.

"I dreamt of scissors — a lovers' quarrel — in my siesta," mused the girl, half wishing that she had let fall, by accident, the rose from her black hair. "Yes, I clearly saw in my dream a pair of scissors lying on a tiled floor beside a row of shoes. Ah ! to dream of shoes means long journeys. But when will Celestino ever gather pesétas enough for a grand wedding and a bridal trip ? 'A purse without money I call mere leather.' And I am so tired of being poor, and going nowhere, and seeing nothing. We have not been to Seville, much less Madrid, since papa

died. Yet Celestino is as good as God's blessing — and not ugly, either, for a man."

Celestino's reflections, as he strode homeward, were tinged with an unaccustomed bitterness:

"Dolores flouts me even to-night, the night before the drawing of lots. It is because I have no money, and no position, and no prospects, that she uses me so. 'He who has a trade has his fortune made.' But I have nothing — only my guitar. I am not good at what is useful. But Dolores — ! That Barcelona mother of hers spoils her. She talks to her of a house and income — matters it is not modest for a girl to consider before marriage. I have no love for Barcelona ways. All their bustle and hurry and worry — does it make an orange taste the sweeter?"

He had reached his stepfather's house, and, stretching his arm through the ancient bars of the outer door, he twitched a slender chain. A bell rang in the open court, and old Anita's voice called sleepily from above: "Who comes?" He answered: "Peace," and the door swung open.

As Celestino, stepping lightly along the gallery set with niched images of saints, passed his stepfather's room, he was called in. Crouched over a smoldering braséro sat a bald-headed little gentleman who chatted to his stepson for half an hour with an air of indulgent affection. Through it all the youth stood grave and erect, making brief replies. After the formal, elaborate good-nights had been spoken, Don Luis added, in a tone so caressing that it was almost a purr:

"If it should please your saint that you draw a high number to-morrow, Celestino mío, then I must contrive a little longer, just a little longer, to share my crust of bread and mess of beans with you. Ah! but 'a boy has a wolf in his stomach.' But if the luck of the urn goes against you" — a gleam shot out from the furtive eyes, and the voice suddenly sharpened — "don't look to me for the thousand pesétas to buy you off. María Santísima! A thousand pesétas! If the urn says Cuba, then Cuba it must be. Well! it is pleasant for the young to travel, and Cuba is a good — cemetery."

The next morning, fraught with terror and tears to the mothers of Granada, dawned so blue and bright that Celestino sprang from his bed with a laugh and sang cópla after cópla all the time he was dressing. Old Anita, who brought him his cup of thick Spanish chocolate, lingered in the doorway, watching, with dog-like devotion, the completion of his toilet. He had the sparkling looks and winsome ways of the mother who had died nine years before — the mother for whose sake Don Luis, though growing more miserly every day, had not yet turned his stepson out of doors.

Celestino ran down the stairs and out upon the street as eagerly as if the drawing of lots for the new Cuban campaign, the final sacrifice, though Spain knew it not, in her long and bloody struggle for the

subjugation of her rebellious colony, were a carnival pastime.

A throng of boys, in many cases accompanied by father or mother or the entire family group, stood waiting their summons to the fateful urn. Celestino's name was called early, and he thrust in his arm with so merry a glance at the officer in charge that this stern personage could hardly forbear a smile of congratulation when the lot drawn was held up to his view. It was a lucky number, and Celestino, more pleased than surprised, for he had a happy faith in his good fortune, seldom as that goddess had revealed herself in his neglected life, slipped back to the outskirts of the crowd and stood

watching the line of lads filing away from the urn. Some looked pale and serious, more had an air of bravado, many were striving to console a weeping mother or sister or sweetheart, but all were doomed to the hungry island that had already consumed thousands upon thousands of the sons of Spain. The desperate old tyrant, though at almost suicidal cost, still clung fiercely to the last of her American possessions — last shred of that wonderful West Indian Empire which had been her crown and pride. There were but few numbers in that urn so high as to exempt the drawer from conscription, and Celestino, while the sounds of lamenting increased about him, began to feel ashamed of his own security. When one of his former schoolmates neared him, supporting a mother so blind with tears that she stumbled against Celestino as she came, the frank heart of the youth was swept by a passion of pity.

"Do not grieve so sorely, señóra mía," he said, supporting her on the side nearer him, while he reached across to give his friend a rapid hand-clasp. "Rodolfo and I will speedily get you home. I would that he, like myself, had drawn a lucky number, but he may win great honor in this war — who knows? Do not fear for him, señóra. 'There are more bullets than wounds in every battle.' Think, rather, how proud you will be when Rodolfo comes back to you with medals on his coat!"

"Did his brother come back?" sobbed the poor woman. "The fever takes those whom the bullet spares. I bury my boy tomorrow, when I embrace him for the last time — oh, Mary have mercy! — at the train."

Celestino cast a brightening glance up to the circling hilltop walls of the Alhambra.

"If I could find — but I have searched so often — a buried chest of Moorish gold!"

"A thousand pesétas!" moaned the woman. "You may as well dig for compassion in the stony hearts of our rulers as seek so great a treasure-hoard under those old towers."

A thousand pesétas! Two hundred dollars! The price of her child! The mother threw up her hands with a cry of such keen anguish that Celestino's heart melted within him. He had no mother to suffer pangs like these over his departure into peril. His stepfather, though he would count him a fool for what he was about to do, would gladly be rid of him. And Dolores — perhaps she would think of her scorned lover more kindly when he was soldiering across the seas; perhaps her lustrous eyes would mist with tears when a comrade should return to tell of Celestino's glorious death at the head of some victorious charge. Yet was he not the son of good fortune? Rather, he would return, himself, with wealth and fame, a man of consequence, and then that practical-minded mother of Dolores, that mother from Barcelona, would no longer teach the girl to scoff at him.

"Be comforted, señóra," said Celestino. "I go to offer myself a substitute for Rodolfo."

The roseate colors had faded from his sacrifice by evening. His stepfather's sneer had been even more contemptuous than he expected, and not one céntimo had this only relative furnished toward an outfit. Anita brought her all, but Don Luis kept her scanty wages so far in arrears that her all barely sufficed for treating a few of the more downhearted recruits. As for Celestino himself, a careful examination of his pockets turned out nothing more precious than matches. Yet he had been hearing men say, in park and square, that a good outfit, with a few medicines and cordials and a little ready money, might make all the difference between life and death in that fever-ridden island.

Worst of all, the balcony of Dolores was empty. He had sung her favorite cóplas for an hour to the grim, unlighted house-front, and then something rose in his throat and choked his voice. He had hurried away, leaving his guitar, with a passion-flower twisted in the strings, on the threshold. He was right in guessing that the alert mother of Dolores had whisked her out of the city, until the conscripts should be gone and the dangers of farewell averted.

As the lad, lonely and sore-hearted, was standing at the foot of the bronze statue of Columbus, gazing up at the moonlight-silvered peaks of the Sierra Nevada, a touch fell on his arm. The mother of Rodolfo stood beside him, thrusting a purse of silver and copper into his hands.

"I have gathered it among my friends, coin by coin," she said, speaking in a rapid, guilty way. "We are all poor, and the time was short, but see! it is eighty pesétas. You can buy yourself many comforts of travel with eighty pesétas, can you not? And may the Mother of Christ, who knows what it is to lose a son, forgive me that I have let you do this thing!"

She was gone before Celestino could thank her, but while he was still fingering the bag, with renewed faith in his happy fortune, another mother peeped cautiously from the further side of the statue. She did well to be cautious, for the police might have recognized her, had they so chosen, as the leader of that frenzied rabble of peasant women who had stoned the bronze Columbus that

very afternoon, the poor creatures vaguely holding the discoverer of the Americas responsible for the loss of their sons. She lifted to Celestino such a look as she might have lifted to the altar.

"The people say you have saved that woman's son. Save mine! save mine!"

Celestino's reply, soothingly though it was spoken, came with a laugh:

"I am but one man, señóra. I cannot substitute for two."

But she entreated him only the more passionately, as she would have entreated an image slow to bless, until suddenly Celestino, his young face radiant in the moonlight, dropped the bag of coin into her clasping hands.

"It is all I have to give, señóra," he said. "I have given myself already. It is not enough, this money, for the government, but if you seek through the neediest quarters of the city, you may find some father, whose children cry for bread, willing to go as substitute for your son."

The woman clutched the sixteen dollars with a cry and sped away. Before dawn she had bought her substitute.

The orphan Celestino was blest and wept over by two mothers when he took the train next morning, and hardly was he gone before all Granada rang with his generous deed. Dolores heard it, and determination glowed in her dusky eyes:

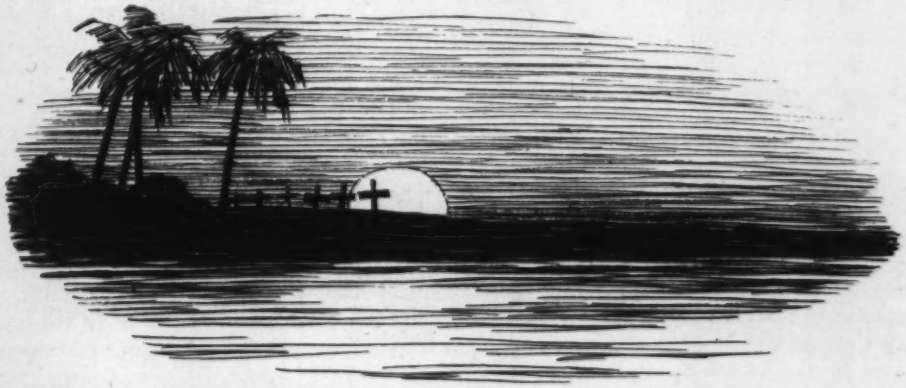
"When Celestino comes back," she said, "I shall be his wife."

Whereupon that efficient woman, her Barcelona mother, foreseeing that in such event the young people must have something to live upon, prudently married Don Luis, to the immediate betterment of his temper and his housekeeping.

But as yet Celestino has not come back. When all Granada flocked to the station to welcome her repatriados home — a few cars

only of gaunt and pallid men, ragged, fever-wasted, battle-broken, all their boyhood gone — Celestino was not there. His country counts him as one of the eighty thousand dead in Cuba.

But Dolores, leaning out from her balcony, still looks and listens for her blithe-voiced serenader. The sweet Andalusian air is about her, the purple skies overhead, and her years are passing not unhappily in a dream of love. She sees her Celestino ever young and ever merry. Even if in truth he sleeps under what has become to Spain a foreign soil, she is sure that the earth lies lightly on so light and true a heart.



Robin Goodfellow — His Friends

by

Rudyard Kipling

Illustrated by Andre Castaigne

VI

The Treasure and The Law

NOW it was the third week in November, and the woods rang with the noise of pheasant-shooting. No one hunted that steep, cramped country except the village beagles, who, as often as not, escaped from their kennels and made a day of their own. Dan and Una found a couple of them towling round the garden after the laundry-cat. They were only too pleased to go rabbiting, so the children ran them all along the brook pastures and into Little Lindens farm-yard, where the old sow vanquished them — and up to the quarry-hole, where they started a fox. He headed for Far Wood, and there they simply exploded all the pheasants, who were sheltering from a big drive across the valley. Then the cruel guns began again, and they grabbed the beagles lest they should stray and get hurt.

"I wouldn't be a pheasant — in November — for a lot," Dan panted, as he caught *Folly* by the neck. "Why did you laugh that horrid way?"

"I didn't," said Una, sitting on *Flora*, the fat lady-dog. "Oh, look! The birds are going back to their own woods instead of ours where they would be safe."

"Safe till it pleased you to kill them!" A man so tall he was almost a giant stepped from behind the clump of hollies by Volaterrae. The children jumped, but the dogs dropped like setters. He wore a sweeping gown of dark thick stuff, lined and edged with yellowish fur, and he bowed a bent-down bow that made them feel both proud and asnamed. Then he looked at them steadily, and they stared back.

"You have no fear?" he said, running his hands through his splendid grey beard. "No fear that those men yonder" — he jerked his head towards the incessant pop-pop of the guns from the lower woods — "will do you hurt?"

"We-ell" — Dan liked to be accurate — "old Hobd — a friend of mine told me that one of the beaters got peppered last week — hit in the leg, I mean. You see, Mr. Meyer *will* fire at rabbits. But he gave Waxy Garnett a quid — sovereign, I mean — and Waxy told Hobden he'd have stood both barrels for the money."

"He doesn't understand," Una cried, watching the pale, troubled face. "Oh, I wish ——"

She had scarcely said it when Puck rustled out of the hollies and talked to the man quickly in foreign words. Puck wore a long cloak too — the afternoon was just frosting down — and it changed his appearance altogether.

"Nay, nay!" he said at last. "You did not understand the boy. A freeman was a

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little hurt, by pure mischance, at the hunting."

"I know that mischance! What did his Lord do? Laugh and ride over him?" the old man sneered.

"A man of your own people did the hurt, Kadmiel." Puck's eyes twinkled maliciously. "So he gave the freeman one piece of gold, and no more was said."

"A Jew drew blood from a Christian, and no more was said?" Kadmiel cried. "Never! When did they torture him?"

"No man may be bound, nor fined, nor slain till he has been judged by his peers," Puck insisted. "There is only one Law in Old England for Jew or Christian — the Law that was signed at Runnymede."

"Why, that's Magna Charta!" Dan whispered. It was one of the few history dates that he could remember. Kadmiel turned on him with a whirr and a sweep of his spicy-scented gown.

"Dost *thou* know of that, babe?" he cried, and lifted his hands in wonder.

"Yes," said Dan, firmly.

Magna Charta was signed by John,
That Henry the Third put his seal upon.

"And old Hobden says that if it hadn't been for *her* (he calls everything 'her,' you know), the keepers would have had him clapped up in Lewes Gaol all the year round."

Again Puck spoke to Kadmiel in the strange, solemn-sounding language, and at last Kadmiel laughed.

"Out of the mouths of babes do we learn," said he. "But tell me now, and I will not call you a babe but a Rabbi, *why* did the King sign the roll of the New Law at Runnymede? For he was a King."

Dan looked sideways at his sister.

"Because he jolly well had to," said Una, softly. "The Barons made him."

"Nay," Kadmiel answered. "You Christians always forget that gold does more than the sword. Our good King signed because he could not borrow more money from us bad Jews." He curved his shoulders as he spoke. "A King without gold is a snake with a broken back, and" — his nose went up and his eyebrows came down — "it is a good deed to break a snake's back. That was my work," he cried, triumphantly, to Puck. "Spirit of Earth, bear witness that that was *my* work!" He shot up to his full towering height, and his words rang like a trumpet. He had a voice that changed its tone almost as an opal changes colour — sometimes deep and thundery, sometimes thin and whiny, but always a voice that made you listen.

"Many people can bear witness to that," Puck answered. "Tell these babes how it was done. Remember, Master, they do not know fear."

"So I saw in their faces when we met," said Kadmiel. "Yet surely, surely, they are taught to spit upon Jews?"

"Are they?" said Dan, much interested. "Where?"

Puck fell back a pace, laughing. "Kadmiel is thinking of King John's reign," he explained. "His people were badly treated then."

"Oh, we know *that*," they answered, and (it was very rude of them, but they could not help it) they stared straight at Kadmiel's mouth to see if his teeth were all there. It stuck in their lesson-memory that King John used to pull out Jews' teeth to make them lend him money.

Kadmiel understood the look and smiled bitterly.

"No. The King never drew my teeth. I think perhaps I drew his. Listen! I was not born among Christians, but among Moors — in Spain — in a little white town under the mountains. Yes, the Moors are cruel, but at least their learned men dare to think. It was prophesied of me at my birth that I should be a Lawgiver to a People of a strange speech and a hard language. We Jews are always looking for the Prince and the Lawgiver to come. Why not? My people in the town (we were very few) set me apart as a child of the prophecy, the Chosen of the Chosen. We Jews dream so many dreams. You would never guess it to see us slink about the rubbish-heaps in our quarter, but at the day's end — doors shut, candles lit — aha! *then* we become the Chosen again."

He paced back and forth through the wood. The rattle of the shot-guns never ceased, and the dogs whimpered a little and lay flat on the leaves.

"I was a Prince. Yes! Think of a little Prince who had never known rough words in his own house handed over to shouting, bearded Rabbis, who pulled his ears and flipped his nose, all that he might learn — learn — learn to be King when his time came. Hé! Such a little Prince it was! One eye he kept on the stone-throwing Moorish boys, and the other it roved about the streets

looking for his Kingdom. Yes, and he learned to cry softly when he was hunted up and down those streets. He learned to do all things without noise. He played beneath his father's table when the Great Candle was lit, and he listened, as children listen, to the talk of his father's friends above the table. They came across the mountains, from out of all the world, for my Prince's father was their councilor. They came from behind the armies of Sala-ud-Din: from Rome: from Venice: from England. They stole down our alley, they tapped secretly at our door, they took off their rags, they comforted themselves, and they talked to my father at the wine. All over the world the heathen fought each other. They brought news of these wars, and while he played beneath the table, my Prince heard these meanly-dressed ones decide between themselves how, and when, and for how long King should draw sword against King, and People rise up against People. Why not? The Jews know how the gold moves with the seasons, and the crops, and the winds; circling and looping and rising and sinking away like a river — a wonderful underground river. How should the Kings know that while they fight and steal and kill?"

The children's faces showed that they knew nothing at all as, with open eyes, they trotted and turned beside the long-striding old man. He twitched his gown over his shoulders, and a square plate of gold, studded with jewels, gleamed for a second through the fur, like a star through flying snow.

"No matter," he said. "But credit me, my Prince saw peace or war decided not once, but many times, by the fall of a coin spun between a Jew from Bury and a Jewess from Alexandria, in his father's house, when the Great Candle was lit. Such power had we Jews among the Gentiles. Ah, my little Prince! Do you wonder that he learned quickly? Why not?"

He muttered to himself awhile and went on: —

"My trade was that of a physician. When I had learned it in Spain I went to the East to find my Kingdom. Why not? A Jew is as free as a sparrow or a dog. He goes where he is hunted. In the East I found libraries where men dared to think — schools of medicine where they dared to learn. I was diligent in my business. Therefore I stood before Kings. I have been a brother to Princes and a companion to beggars; and I have walked between the living and the dead. There was no profit in it. I did not find my Kingdom. So in the tenth year of my travels, when I had reached the uttermost Eastern sea, I returned to my father's house. God had wonderfully preserved my people. None had been slain, none even wounded, and only a few scourged. I became once more a son in my father's house. Again the Great Candle was lit; again the meanly-apparelled ones tapped on our door after dusk, and again I heard them weigh out peace and war, as they weighed out the gold on the table. But I was not rich — not very rich. Therefore, when those that had power and knowledge and wealth talked together, I sat in the shadow. Why not?

"Yet all my wanderings had shown me one sure thing, which is, that a King without money is like a spear without a head. He cannot do much harm. I said, therefore, to Elias of Bury: 'Why do our people lend any more gold to the Kings that oppress us?' 'Because,' said Elias, 'if we refuse, the Kings stir up their people against us, and the People are tenfold more cruel than Kings. If thou doubtest, come with me to Bury, in England, and live as I live.'

"I saw my mother's face across the candle flame, and I said, 'I will come with thee to Bury. Maybe my Kingdom shall be there.'

"So I sailed with Elias to the darkness and the cruelty of Bury in England, where there are no learned men. How can a man be wise if he hate? At Bury I kept his accounts for Elias, and I saw men kill Jews there. No — none laid hands on Elias. He lent money to the King, and the King's favour was about him. A King will not take the life so long as there is gold. This King — yes, John — oppressed his people bitterly because they would not give him money. Yet his land was a good land; and if he had only given it rest he might have cropped it as a Christian crops his beard. Even *that* little he did not know, for God had deprived him of all understanding, and had multiplied pestilence, and famine, and despair upon the people. Therefore the people turned against us Jews, who are all people's dogs. Why not? Lastly the Barons and the people rose together against the King because of his cruelties. Nay — nay — the Barons did not love the people, but they saw that if the King eat up and destroyed the common people, he would presently destroy the Barons. They joined then, as cats and rats will join to slay

a snake. I kept the accounts, and I watched all these things, for I remembered the Prophecy.

"A great gathering of Barons (to most of whom we had lent money) came to Bury, and there, after much talk and a thousand runnings-about, they made a roll of the New Laws that they would force on the King. If he swore to keep those Laws, they would allow him a little money. That was the King's God: money — to waste. They showed us the roll of the New Laws. Why not? We had lent them money. We knew all their counsels — we Jews shivering behind our doors in Bury." He threw out his hands suddenly. "We did not seek to be paid *all* in money. We sought Power — Power — Power, for that is *our* God in our captivity. Power to use!

"I said to Elias: 'These New Laws are good. Lend no more money to the King: so long as he has money he will lie and slay the people.'

"'Nay,' said Elias. 'I know his people. They are madly cruel. Better one King than a thousand butchers. I have lent a little money to the Barons, or they would torture us, but my most I will lend to the King. He hath promised me a place near him at Court, where my wife and I shall be safe.'

"'But if the King be made to keep these New Laws,' I said, 'the land will have peace, and the trade will grow. If we lend he will fight again.'

"'Who made thee a Lawgiver in England?' said Elias. '*I* know these people. Let the dogs tear one another! I will lend the King ten thousand pieces of gold, and he can fight the Barons at his pleasure.'

"'There are not two thousand pieces of gold in all England this summer,' I said, for I kept the accounts, and I knew how the gold moves — that wonderful underground river. Elias barred home the windows, and, his hands about his mouth, he told me how, when he was trading with small wares in a French ship, he had come to the Castle of Pevensey."

"Oh!" said Dan. "Pevensey again!" and looked at Una.

"There, after they had scattered his pack up and down the Great Hall, some young knights carried him to an upper room, and dropped him into a well in a wall, that rose and fell with the tide. They called him Joseph, and threw torches at his wet head. Why not? When the tide dropped he thought he stood on old armour; but, feeling with his toes, he raked up bar on bar of soft gold. Some wicked treasure of the old days put away, and the secret cut off by the sword. I have heard the like before. He took a little with him, and thrice yearly he would return to Pevensey as a chapman, selling at no price or profit, till they suffered him to sleep in the empty room, where he would plumb and grope, and take away a few bars. The great store of it still remained, and by long brooding he had come to look on it as his own. Yet when we thought how we should lift and convey it, we saw no way. This was before the Word of the Lord had come to me. A walled fortress possessed by Normans; in the midst a forty-foot tide-well out of which to remove secretly many horse-loads of gold! Hopeless! So Elias wept. Adah, his wife, wept too. She had hoped to stand beside the Queen's tiring maids at Court, when the King should give them that place at Court which he had promised. Why not? She was born in England.

"The present evil to us was that Elias, out of his strong folly, had, as it were, promised the King that he would arm him with more gold. Wherefore the King in his camp stopped his ears against the Barons and the people. Wherefore men died daily. Adah so desired her place at Court, she besought Elias to tell the King where the treasure lay, that the King might take it by force, and they would trust in his gratitude. Why not? This Elias refused to do, for he looked on the gold as his own. They quarrelled, and they wept at the evening meal; and late in the night came one Langton — a priest, almost learned — to borrow more money for the Barons. Elias and Adah went to their chamber."

Kadmiel rumbled scornfully in his chest. The shots across the valley stopped as the shooting party changed their ground for the last beat.

"So it was I, not Elias," he went on, quietly, "that made terms with Langton touching the fortieth of the New Laws."

"What terms?" said Puck, quickly. "The Fortieth of the Great Charter says: 'To none will we sell, refuse, or deny right or justice.'"

"True, but the Barons had written first: *To no free man.* It cost me two hundred great pieces of gold to change those little words. Langton, the priest, understood. 'Jew though thou art,' said he, 'the change

is just, and if ever Christian and Jew come to be equal in England thy people may thank thee.' Then he went out stealthily, as men do who deal with Israel by night. I think he spent my gift upon his altar. Why not? I have spoken to Langton. He was such a man as I might have been if — if we Jews had been a people. But yet, in many things, a child.

"I heard Elias and Adah abovestairs quarrel, and, knowing the woman was the stronger, I saw that Elias would tell the King of the gold and that the King would continue in his stubbornness. Therefore I saw that the gold must be hid from the reach of man. Of a sudden, the Word of the Lord came to me saying, 'The Morning is come, O thou that dwellest in the land.' "

Kadmiel halted, all black against the pale green sky beyond the wood — a huge figure, like a Moses in a picture-Bible.

"I rose. I went out, and as I shut the door on that House of Foolishness, the woman looked from the window and whispered, 'I have prevailed on my husband to tell the King!' I answered, 'There is no need. The Lord is with me.'

"In that hour the Lord gave me full understanding of all that I must do, and His Hand covered me in my ways. First I went to London, to a physician of our people, who sold me certain drugs that I needed. You shall see why. Thence I went swiftly to Pevensey. Men fought all around me, for there were neither rulers nor judges in all the abominable land. Yet when I walked by them they cried out that I was one Ahasuerus, a Jew, condemned, as they believe, to live for ever, and they fled from me everyways. Thus the Lord saved me for my work; and at Pevensey I bought me a little boat and moored it on the mud beneath the Marshgate of the Castle. That also God showed me."

He was as calm as though he were speaking of some stranger, and his voice filled the little bare wood with rolling music.

"I cast" — his hand went to his breast, and again the strange jewel gleamed — "I cast the drugs which I had prepared into the common-well of the Castle. Nay, I did no harm. The more we physicians know, the less do we do. Only the fool says: 'I dare.' I caused a blotched rash to break out upon their skins, with grievous itchings; but I knew it would fade in fifteen days. I did not stretch out my hand against their life. They in the Castle thought it was the plague, and they ran out, taking with them their very dogs.

"A Christian physician, seeing that I was a Jew and a stranger, vowed that I had brought the sickness from London. This is the one time I have ever heard a Christian leech speak truth of any disease. Thereupon the people beat me; but a merciful woman said: 'Do not kill him now. Push him into our Castle with his plague, and if, as he says, it will abate on the fifteenth day, we can kill him then.' Why not? They drove me across the drawbridge of the Castle, and fled back to their booths. Thus I came to the treasure."

"But did you know this was all going to happen just right?" said Una.

"The Prophecy was that I should be a Lawgiver to a People of a strange land and a hard speech. I knew I should not die. I washed my cuts. I found the tide-well in the wall, as Elias had said, and from Sabbath to Sabbath I dove and dug there in that empty, Christian-smelling fortress. Hé! I spoiled the Egyptians! Hé! If they had only known! I drew up three horse-loads of gold, which I loaded by night into my boat. There had been gold-dust, too, but that was washed out by many tides."

"Didn't you ever wonder who had put it there?" said Dan, stealing a glance at Puck's calm, dark face under the hood of his gown.

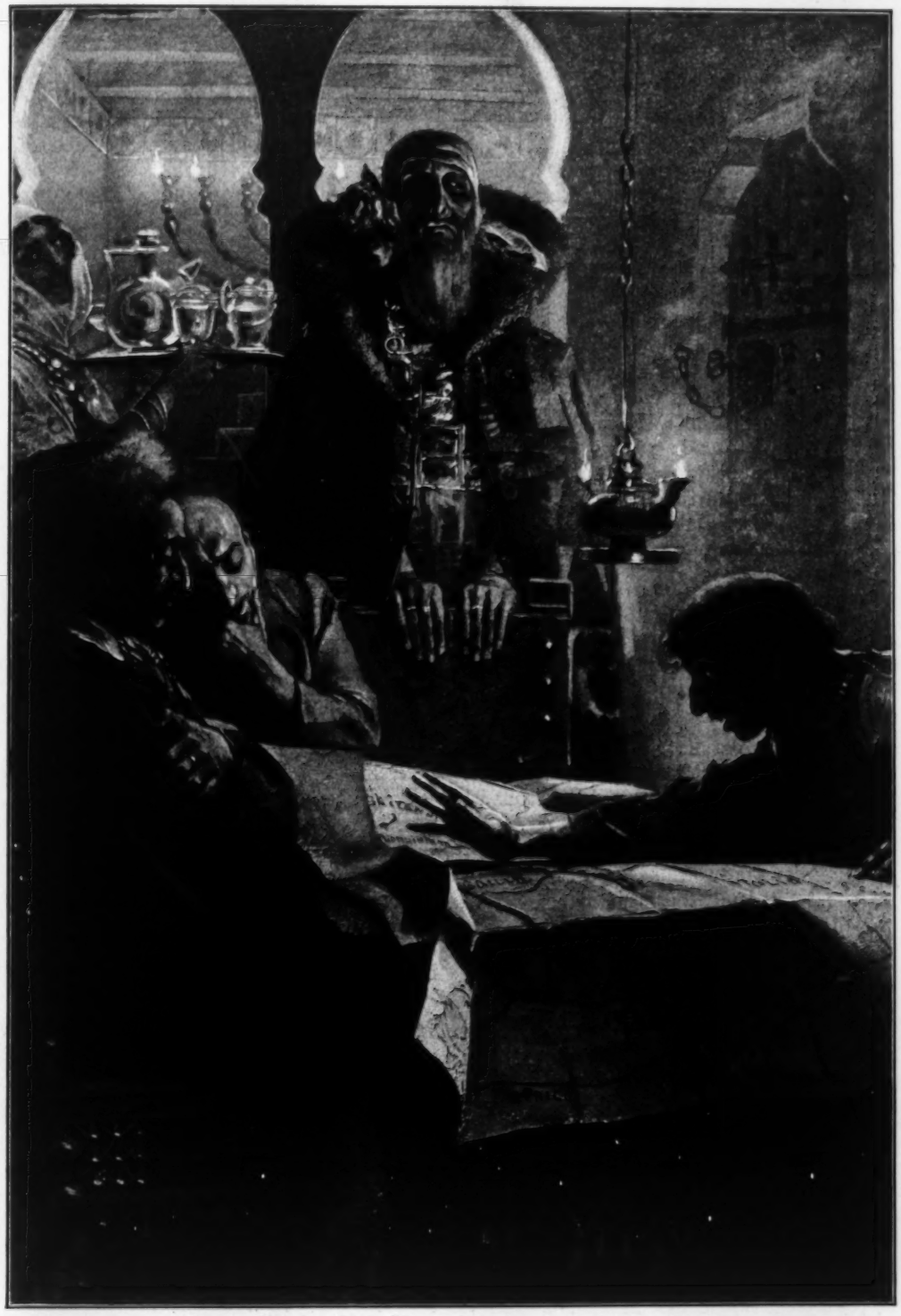
"Often; for the gold was new to me. I know the Golds. I can judge them in the dark; but this was heavier and redder than any we deal in. Perhaps it was the very gold of Parvaim. Why not? It went to my heart to heave it on to the mud; but I saw well that if the evil thing remained, or if even the hope of finding it remained, the King would not sign the New Laws, and the land would perish."

"Oh, marvel!" said Puck, beneath his breath, rustling in the dead leaves.

"When the boat was loaded I washed my hands seven times, and pared beneath my nails for I would not keep one grain. I went out by the little gate where the Castle's refuse is thrown. I dared not hoist sail lest they should see me; but the Lord commanded the tide to bear me carefully; and I was far from land before the morning."

"Weren't you afraid?" said Una.

"Why? There were no Christians in the boat. At sunrise I made my prayer, and cast out the gold — all — all that gold! A



"'I WILL COME WITH THEE TO BURY, MAYBE MY KINGDOM SHALL BE THERE'"

King's ransom — no, the ransom of a People! When I had loosed my hold of the last bar, the Lord commanded the tide to return me to a haven at the mouth of a river, and thence I walked across a wilderness to Lewes, where I have brethren. They opened the door to me, and they say — I had not eaten for two days — they say that I fell across the threshold, crying, 'I have sunk an army with horsemen in the sea!'"

"But you hadn't," said Una. "Oh, yes! I see! You meant King John might have spent it on that."

"Even so," said Kadmiel.

The firing broke out again close behind them. The pheasants poured over the top of a belt of tall firs. They could see young Mr. Meyer, in his new yellow gaiters, very busy and excited at the end of a line, and they could hear the thud of the falling birds.

"But what did Elias of Bury do?" Puck demanded. "He had promised gold to the King."

Kadmiel smiled grimly. "I sent him word from London that the Lord was on my side. When he heard that the plague had broken out in Pevensey, and that a Jew had been thrust into the Castle to cure it, he understood my word was true. He and Adah hurried to Lewes and asked me for an accounting. He still looked on the gold as his own. I told them where I had laid it, and I gave them full leave to pick it up . . . Ah, well! The curses of a fool and the dust of a journey are two things no wise man can escape. But I pitied Elias! The King was wroth at him because he could not lend; the Barons were wroth at him because they heard that he would have lent to the King; and Adah was wroth at him because she was an odious woman. They took ship from Lewes to Spain. That was wise!"

"And you? Did you see the signing of the Law at Runnymede?" said Puck, as Kadmiel laughed behind his beard.

"Nay. Who am I to meddle with things too high for me? I returned to Bury, and lent money on the autumn crops. Why not?"

There was a crackle overhead. A cock-pheasant that had sheered aside after being hit spattered down almost on top of them, driving up the dry leaves like a shell. *Flora* and *Folly* threw themselves at it; the children rushed forward, and when they had beaten them off and smoothed down the plumage, Kadmiel had disappeared.

"Well," said Puck, calmly, "what did you think of it? Weland gave the Sword. The Sword gave the Treasure, and the Treasure gave the Law. Natural as an oak growing."

"I don't understand. Did he know it was Sir Richard's old treasure?" said Dan. "And why did Sir Richard and Brother Hugh leave it lying about? And — and ——"

"Never mind," said Una, politely. "He'll let us come and go, and look, and know another time. Won't you, Puck?"

"Next year, maybe," Puck answered. "Brr! It's cold — and late. I'll race you towards home!"

They hurried down into the sheltered valley. The sun had almost sunk behind Cherry Clack, the trodden ground by the cattle-gates was freezing at the edges, and the new-waked north wind blew the night on them from over the hills. They picked up their feet and flew across the browned pastures, and when they halted, panting in the steam of their own breath, the whirling dead leaves came up behind them. Puck had stopped by the Mill. There was Oak and Ash and Thorn enough in that shower to magic away a thousand memories.

So they trotted to the brook at the end of the lawns, and wondered why *Flora* and *Folly* had not caught the quarry-hole fox.

Old Hobden was just finishing some hedge-work. They saw his white smock glimmer in the twilight where he faggoted the rubbish.

"Winter, he's come, I rackon, Mus' Dan," he called. "Hard times now till Heffle Cuckoo Fair. Yes, we'll all be glad to see the Old Woman let the cuckoo out o' the basket for to start lawful spring in England."

A voice the other side of the brook boomed:——

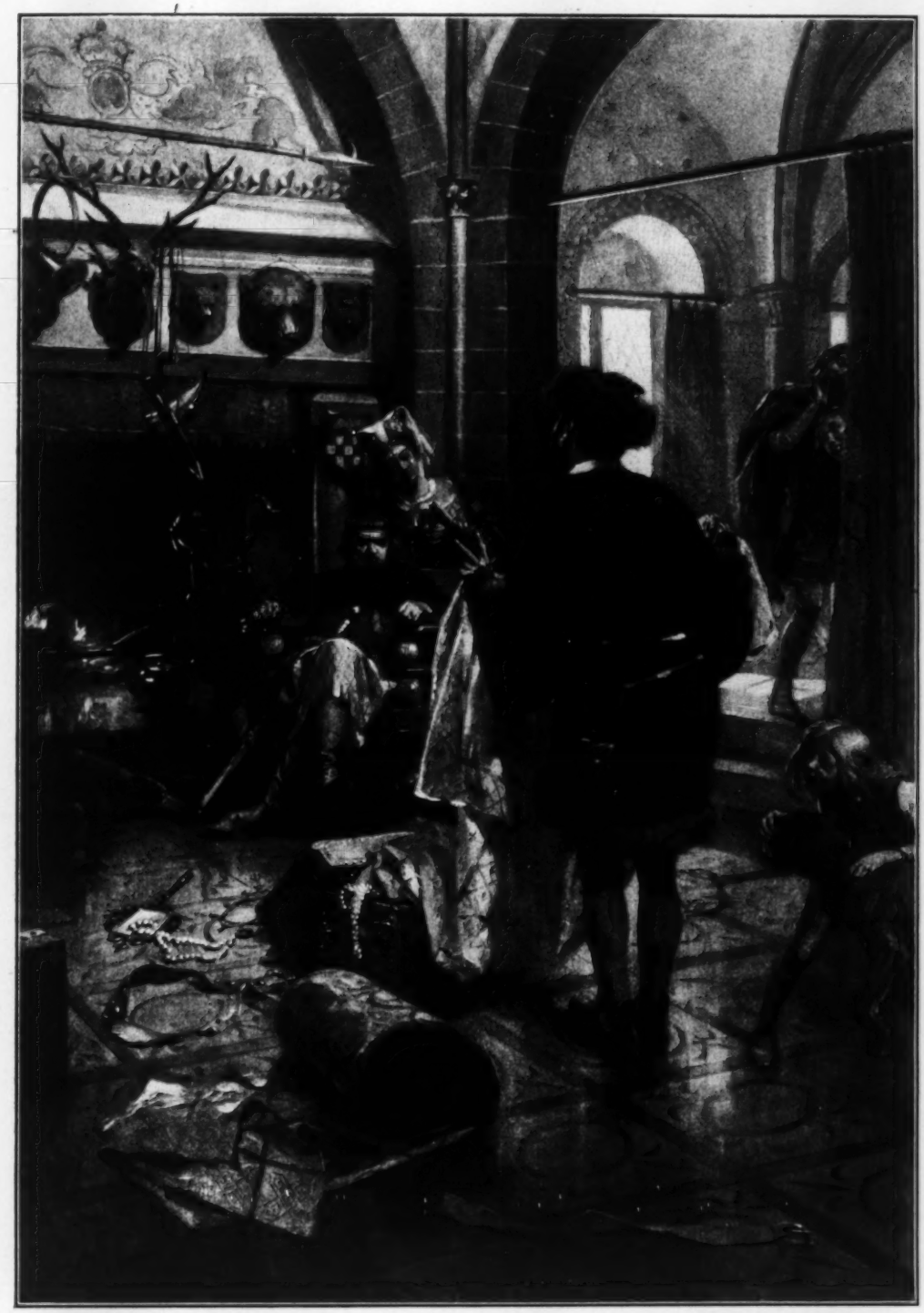
Oh, it's then, my dears, we'll meet again,
At Heffle Cuckoo Fair.

They heard a crash, and a stamp and a splash of water as though a heavy old cow were crossing almost under their noses.

Hobden ran forward angrily to the ford.

"Gleason's bull again, playin' Robin all over the Farm! Oh, look, Mus' Dan —his great foot-mark as big as a trencher. No bounds to his impidence! I'll go an' hide un a piece with a bat!"

Then the children went in singing "Cuckoo-Fair" at the tops of their voices without even having said good-by to Puck.



"THRICE YEARLY HE WOULD RETURN TO PEVENSEY AS A CHAPMAN, SELLING AT NO PRICE OR PROFIT"

THE CONFLUENCE

BY

JAMES HOPPER

AUTHOR OF "THE CALL," "THE FAILURE," ETC.

ILLUSTRATED BY THOMAS FOGARTY

IT was a mistake from the first. The post was not at all for a woman, but Miss Terrill was unaware of that. She had just come to Bacolot, via San Francisco, Manila, and Iloilo, by means, successively, of a big, white army-transport full of other ingenuous pedagogues; a wheezy but impudent little Spanish steamer, which aggressively shoved its nose under every ripple of the inter-island seas; a languid-sailed lorcha, loaded with pigs, dogs, and brownies; and finally a dizzy banca which, perched upon the tip-foam of a curling comber, outriggers spread out like wings, landed her high upon a golden beach — fresh, dainty, and composed, like a colored album picture. So, when out of the hat in which the Division Superintendent was thoughtfully shuffling little slips of paper representing the towns of his yet unexplored province, she drew the name of Barang, she took it as much of a lark. Immediately she ran to a map, found the little black dot down in the Southern part of Negros, and pronounced it "cute." She seemed prone it must be said, to take things that way. She was a very young girl, so young that the officers of the Post raised their eyebrows and muttered under their breaths when they learned where she was going. A certain second lieutenant, Saunders by name, and very fresh from West Point, went so far, in fact, as to offer to arrange it so that she should stay in Bacolot, at least as long as he were there and afterwards — any place where he might be. But she laughed sweetly at this proffer, and put it from her promptly and decisively, though her blue eyes, at the young fellow's sudden show of despair, shone a moment with tenderness — maternal, he called it afterward — that somehow left him without bitterness and full of reverence.

Here it must be explained for future understanding that Rumor, a most vigorous dame in the Philippines, forthwith pounced upon this little incident and made off with it north and south. North, the development of the tale was rapid indeed; by the time it reached Escalante it dealt with the marriage of Miss Terrill to the fat old colonel of the Post. South, progress was more modest; at Himamaylan and Cantalacan, towns nearest to Barang, it gave merely the news of the formal engagement of Miss Terrill to Lieutenant Saunders. Which freak of Dame Rumor was precious indeed in that it led to the complications that make this story.

The affair of her assignment continued to be much of a lark during the two weeks spent in Bacolot awaiting transportation. It was still a lark when the launch came, and her trunk, in the loading, fell into the surf, and the hombres in charge of it kept dry by the simple expedient of standing upon it. And the long, hard trip in the launch, laden to the gunwales with supplies for a military post still further than her own town, was also a lark, although at sunset the sky drew down in a black vault beneath which the little craft seemed very small and very lone, and a wind arose which sent her plunging beneath tons of swirling water, and later, when the sea had calmed, the Tagal pilot lost himself in the blinding downpour of rain and ran her gently into a perpendicular wall from which they backed with a poignant feeling that it was only the superstructure backing thus away, that the bottom was still on the rock — a feeling which proved without basis, but which kept them tense the night long, speaking in whispers and treading the deck atiptoe. The world was still joyous when

"THEN, FAR DOWN THE ROAD, CONSOLING, FAMILIAR SHE HEARD THE SOFT PITAPAT OF HOOFS"

they crashed through a fish-corral, and her chair, caught by one of the poles, whisked her instantaneously from bow to stern. But when they anchored beyond the edge of a long reef, and the sun rose glaringly upon the shore, it must be admitted that her heroic little heart sank a degree. On the other side of the reef the waters ended in rippling purple shallows; and then there emerged a low bank of mud — a livid-yellow mud, flaccid and spongy, corroded with trickly streams that ran ink. At the upper end of this bank, flanked by four leafless, leprous palms, there rose a long building askew upon its rotting piles, with torn tin roof and shutters fallen outward. In front, very white against the gray façade, the blue sky, the yellow mud, a pole sprang up with a faded American flag wrapped dejectedly about its top. Embracing the bank the two curved arms of a river came down in slow gurgitation of liquid ooze between screens of black-green vegetation.

"This is Himamaylan, little mother," said the young lieutenant (he had fallen rather easily into the relation imposed by her). "This is Himamaylan. Wish it were your station; you've twelve more miles overland."

Now, this thoughtful preference for Himamaylan (seeing what Himamaylan was) hardly promised for her own station. But she resolutely gulped down a certain tightening of the throat. "How jolly!" she said.

Saunders looked at her rather long. "What a darling you are!" he murmured. And the tone was hardly filial

Which caused her to hurry her preparations for landing. A native, standing to his knees in the mud, after a good deal of vocalizing from the lieutenant, listlessly strolled to a decrepit banca bottom up in the shallows, flopped it over, baled it out with a coconut shell, tied up the shaky outriggers with bejuca, and paddled leisurely, with an air of supreme indifference, to the counter of the launch. "I'll go ahead and reconnoiter," said the lieutenant springing into it; "it's only six, and Parker" (the American teacher of the station) "is probably not up yet." Miss Terrill saw him paddled to shore, saw him land and go up the rude causeway. At each step the stone under him sank as in a jelly, and his foot whisked out in a spatter of mud; at each step her heart followed the stone in its sinking movement. He disappeared into the great ruined building. She waited it seemed a long time. The padron of the launch began a muttered discourse upon the sin of delay with an ebbing tide. The sun rose higher, poured its accusing glare upon the squalor of the scene. The hombre in the banca pulled his wide-brimmed straw hat over his eyes curled in the bow, and went to sleep. The mud began to crawl with little black crabs. "Cheer up!" she said to herself in a crisp intonation, like the note of a bird.

The lieutenant reappeared at the head of a dozen villainous duplicates of the man in the banca. He paddled up. "All right," he said. "I have cargadores. Parker will arrange things to get you to your town. We'll land your stuff first; by that time he'll be presentable."

One by one her boxes were thrown into the banca, paddled ashore, and carried to the door of the big building, the convento of the friars before the revolution had driven them out. Then, very ceremoniously, while the padron warned about further delay, Saunders handed her into the little canoe, like a princess into her gondola, out again, on shore, and helped her over the first and worst part of the causeway.

"I must go now," he said. "Parker is waiting for you at the door, and that launch is beginning to thump bottom. And please, once more, won't you come back to Bacolot?"

She lifted her clear eyes to him and shook her head gently. "But you are a dear, good boy," she said.

To the subtle maternal tone of this, there was no replying. He bowed low over her hand and turned back. She started up right away. A great loneliness exhaled itself from the land. She did not look behind, but toiled stolidly toward the building.

Tied to one of the veranda posts, a native pony, short-necked, compact, muscular, was pawing the ground. She stopped and looked at it, gaining from it the first comfort received of things since her arrival. It was carefully groomed. The bay flanks shone like silk; the mane, parted, fell fluffily on each side of the curved neck, the forelock dangling roguishly between the eyes. Beneath the polished saddle a red blanket added a touch of color, almost of coquetry. The little animal stood there like a protest against the ambient discouragement.

But a white-garbed man was at the door. "Good-morning Mr. Parker," she said gaily. "What a nice horse you have there!"

"Good-morning, Miss Terrill," he answered, a gleam of approval in his pale, tired eyes. "But that's not my horse. Mine — well, it's like everything else about here" — and in a heavy gesture he passed his hand over the surrounding mustiness.

She met the owner up-stairs.

He was a young man with slender waist and broad shoulders. Leather-gaitered, buttoned to the chin in khaki, a big Colt's hanging to his loose belt, he gave Miss Terrill an impression of elastic efficiency very pleasing. But still more pleasing, she thought very secretly, were his eyes, golden-brown, soft, and rather grave. He was horribly reticent, though. He let Parker do the talking; leaning against the window-sill, he contented himself with short remarks dropped at long intervals like the sudden toning of a deep bell, and also with a consideration of her, serious and thorough like the pondering of a problem. It was something entirely different from that to which she was accustomed. She was not vain; but still, she had often seen herself, mirrored, as it were, in the eyes of men, and she knew that in her short khaki skirt, her long, tawny leggings, her wide-collared blouse, her soft felt hat beneath which her hair fluffed, light and golden as sun-kissed vapor, she was — well, picturesque at least. But here was a judgment that reserved itself, an admiration very much under check. His very position, as he stood there, his glances downward upon her, gave him a subtle strategic superiority. It was rather irritating; and when he bowed and excused himself out of the room, her return salute was stiff with a stiffness foreign to her sweet nature. But immediately she found herself listening intently, oblivious of Mr. Parker, listening to the steps springing down the stairs, stamping upon the flagging of the court, stopping beneath the veranda. There was a short silence, then a sudden clatter of hoofs. Unconsciously she was up and at the window — and he was gliding rapidly along the palm-lined road leading away from the sea, erect in the saddle, his waist giving flexibly to the pace of the pony.

"Oh," she ejaculated, "is he going away?"

"Yes," said Mr. Parker. "Back to his station at Cantalacan. It's ten miles beyond yours. He'll arrange things for you at Barang."

Then, strangely enough, the desolation of the surrounding landscape brusquely whelmed her again. She felt very much alone with this Mr. Parker, with his stoop of the shoulders, his weary eye, his attitude of profound lassitude.

"I must start off for my station," she said decidedly.

II

Miss Terrill leaned at the window of her new home, looking out into the dark of the plaza. She had put out the lamp, the room behind her was also dark and between these two obscurities she felt rather lone. At intervals alarmingly frequent her rallying cry, "cheer up," chirped in the heated silence; but difficult it was for the spirit to obey the command of the lips. She had gone through a great deal of late — not so much in actual hardship; she could bear that buoyantly; but little by little the oppression of the land had heaped upon her, and she felt a very little girl indeed. Something akin to self-compassion filled her being as she dwelt over the events of the past days: — the sudden and thorough inefficiency of Mr. Parker when it came to arranging for her departure; the long, enervating wait for mythical carts, for carabaos that did not come; then, after she had taken hold of things, and the evasive Presidente, suddenly alacritous at the stamp of her foot, like a magician produced animals and vehicles by the dozen, the long ride to her station — the bumping and creaking of the ox-cart; the mud, the fearful bottomless mud; the miring in the rice lands, beneath the leaden sun in the pestilential swamp; the miles paced slowly as the crawl of an hour-hand while time slid by and the day died in gloomy splendor. And then, the entry into the pueblo at midnight, amid the howl of dogs, the croak of frogs, the shrill concert of katydids; the dinner at the Presidente's, with this people of alien race, of dark skins, of incomprehensible tongue; the appalling lack of comfort, of cleanliness — and then the night: she would never forget it, that first night in Barang. Her cot had been placed in a big, bare room. Through the torn roof she could see a lone star. There was rice stored in the corner of the room, and giant rats thundered over the loose planking, squealed and fought, while outside in the scum of the ditches the beasts of humidity shrilled in rasping clamor. Then the arising in the morning, weary to death, shrinking in fear at the thought of the first survey, in the inexorable sunlight, of the place which was to be her abode for twelve long months at

"'THE SILENCE!' HE WOULD SAY, 'THE SILENCE!'"

least; and that first look — the wide, grass-disheveled plaza, with the carabaos wallowing in the mud-holes, the ponies dying of surra at their pickets, the leprous-walled, crumbling church across, the thousand leaning, rotting nipa shacks, the musty mountains steaming in the east.

Afterwards she had had a pleasant surprise. A house had been engaged for her, the Presidente announced, by Don Francisco. She went right away to view it. It stood facing the plaza, pointed-roofed, post-elevated, between shimmering banana-palms, a new nipa hut, clean and strong. The ground beneath was white with powdered lime, a reassuring carbolicky odor hovered about, and she was pleased by the chance for picturesque decoration offered by the rich, nut-brown nipa of the interior. But while she stood in the center of the sala, planning, a muchacho in immaculate camisa stood before her. "Don Francisco has sent me to you; I am to be your servant," he said in the precise English of one carefully instructed. He proved a treasure, that boy. Then pieces of furniture began to arrive, one by one. She did not understand at first, but the owners, salaaming behind their sweating cargadores, explained that they were to be hers during her stay. She offered money; they refused. Don Francisco had asked them to do this; they were always glad to obey Don Francisco.

This was the third time in as many minutes that she had heard that name When she was alone with Vincente, the new muchacho, she asked: "Who is your master?"

"You are to be my master," he answered in the tone of one who knows well his lesson.

"But who was your master? Who sent you?"

"Don Francisco," he said.

"But who is Don Francisco?"

"Don Francisco, the Maestro," he answered, evidently astonished at her obtuse ignorance.

But she divined now, and her cheeks flushed. It was the Maestro of Cantalacan. Parker had introduced him as Mr. Tillman. "Don Francisco" was much better, she reflected.

She had set briskly to work in her installation. She accepted a few pieces of the proffered furniture — quaint, old, hand-carved things of incredibly heavy woods; she performed wonders with boxes and chintz; Isio mats enlivened the meerschaum of walls and ceiling; the few pictures and flags left from her college days were hung; red narra boards tied with golden abaca along the walls made a place for her books; a big square, severe table, with her blotters, pads, inkstands, pens, and pencils upon it took an aspect inviting of studious hours. But when she rested and looked about her for the subtle feeling of coziness and warmth which usually follows such toil, as it must to the birds having built their nest, she found with consternation that it was not there — the feeling of intimacy, of home, was not there. She changed the petates, she moved the pictures, she hung orchids at the windows, arranged a panoply of native hats and spears over the door, fringed the grass-cloth portières. But it was useless. The feeling would not come. And she realized that it would never come; that all these efforts were puerilities before the great crushing assertion of the land — the grass-disheveled plaza, the ruined church, glistening in the white sun, the palms, the steaming mountain, the brown populations; that before this tranquil, brooding, all-powerful Presence, all her little defenses of art and adornment shriveled, dried into dust as cardboard toys in a furnace. It was like hiding behind leaves from God.

She turned to her work with enfevered zeal. She found a tumble-down nipa shed where some twenty half-naked, half-starved, miserable little beings, herded every morning by the municipal police, squatted beneath the stick of a slovenly, dull-eyed man, with a gibberish of English — the native teacher appointed temporarily by the military government. The school supplies had not come yet; there were no charts, no books, no slates, no paper, no pencils. The children sat on the damp earth, crushed and apathetic.

"Well, I can at least love them," she said to herself.

It was easy for her to love children. She loved everything that was small — babies, kittens, puppies, birds, and flowers (the latter she called "baby-flowers" when they were satisfyingly little). She taught the children trifles that did not amount to much; but beneath the tenderness of her presence these starved plants began to put forth blossoms. The dark eyes opened in wonder, softened in reverence. One day one of the little girls took her hand going home from school; and after that she was always followed by a dozen

demure little maids who took her hand a few steps in turn. She taught the class a song, and since there was not much to do, with the dearth of what was needed, they often sang, in their low, plaintive notes, their eyes fixed upon her in mute adoration.

They called her Mathilda, and she thought it very sweet.

But still the Presence weighed upon her with its crushing, tranquil malevolence, its external signs the sun, white and ghastly, the mountains, steaming in mustiness, the fronds of palms, heavy, motionless, metallic. She felt the weight of it as of some physical thing there upon her breast; beneath it her sleep grew torpid, her gestures languid, her eyelids drooped heavy upon the unfading blue beneath.

This day the obsession had been more poignant than ever. For in the morning she had found the school-house deserted. The cosecha had begun, and the children had all wandered off early to a big hacienda ten miles off to pick rice. The hours had dragged, long as death, empty as Infinity. And n w she leaned, a little limply, at her window, between the dark behind and the dark before. "Cheer up," she chirped valiantly, but her heart would not answer.

Then, far down the road, consoling, familiar, she heard the soft pitapat of hoofs. The sound neared, swelled, drummed in a crescendo that seemed to beat in her heart. Detaching itself suddenly from the shadow, as if of its impalpable substance, there appeared the vague form of a man in the saddle, pliant-waisted, broad-shouldered. A singular panic possessed her; she drew aside behind the wall and peered, her hands upon her breast. With a rattle of stone and a spark the horse stopped there in the darkness in front. The shadowy rider seemed to turn in the saddle; she felt his eyes scrutinizing the darkened façade, the lightless windows. She panted. The horse champed resoundingly; her lips parted as if to speak.

Then, very distinct in the silence, she heard the decided whirr of a quirt. The form in the saddle bent forward; the horse rose in a jump. For a second the shadow of horse and man rose and fell, then it plunged into the darkness of which it seemed a part. The drumming of hoofs sounded down the road, farther, fainter, became a mere vibration, ceased.

But she stood there listening long after the sound had died. And when she moved off toward her little cot, it was very wearily, and upon it she collapsed very suddenly.

She knew what was the matter with her now. She was lonely; God, how lonely!

III

And thus as a shadow, flitting, mysterious, almost incorporeal, she was to know him for a long time. It might be during the day, at school; her eyes, straying out of the open door saw him cross the plaza to the rapid pace of his bay pony, erect beneath the leaden downpour of heat, his sombrero firm down upon his eyes, his waist giving pliantly to the swing of the saddle. He slid off with what seemed to her singular speed, like a being unreal, elusive, legendary; he was across the plaza ere her eyes were fairly fixed upon him, was disappearing along the palm-lined road into the wilderness, into the bosom of the mountain seeming to await him, dark, brooding, inscrutable. And when the red dot of the saddle blanket had lost itself in the venomous green of the distance, she would turn, a little listlessly, to her class.

"Come, children, we will sing," she would say.

And they sang, in their low, weird voices, their plaintive modification of some old home song. "How sadly they sing," she murmured; "how sad it all is."

Or it would be at night when she, standing at her darkened window, heard the sound of hoofs reverberate in her heart, and he passed, a mere shadow, immediately swallowed in the gloom. Sometimes she remained at the window, peering into the darkness; at other times she withdrew in unreasoning timidity into the farther depths of the sala, and stood there, panting, till the hoof-beats had sunk into silence. For a while, with a temerity that seemed to her immense, she left her lamp lighted behind her; but when finally he did come, at the sight of the luminous ring upon the road he circled wide into the night. She could divine him there, in the profundity of gloom; it seemed to her that he had dismounted, that he stood long, looking toward her. She trembled with excitement, keenly aware of her conspicuousness in the light. Then the horse rustled softly through the high cogon, struck the road again below the house, galloped off in sudden clatter.

These brusque apparitions left her very lonely.

One day, though, she caught him. Her watch had run down, and as she crossed the plaza to the school-house, she was aware by the position of the sun that she was much ahead of the correct time. There was little about her lone home, however, to call her back; so she pushed on, a little pale at the thought of the long day ahead. Then, as she was almost at the door, she started. A bay pony was before her, stamping but obedient to the long reins dropped Western fashion to the ground. Its flanks shone like silk, the long mane fell on both sides of the short, curved neck, the forelock dangled roguishly over the eyes. A red blanket flamed beneath the saddle.

For a minute she stood still, startled like an elf, her breath coming swift between her parted lips, poised in panic indecision. Then, with a lithe, resolute movement, she stepped within.

He was standing in the center of the room, examining with critical eye the torn roof, the sagging walls, the earthen floor. When he had become aware of her presence, he merely took off his hat in a silent greeting that held subtle homage. His eyes passed gravely over her. He should have been pleased indeed with the tremulous color of her cheek, the radiance of her glance. She wore a simple dress of blue linen with a sailor-blouse whose wide turned-down collar left a triangle of palpitating whiteness below the throat; she was hatless, and her hair lay upon her head with incredible lightness, like a golden vapor. A curl of it fell over her eyes, and she drew it back slowly in a graceful movement of her arm, bare to the elbow. But even as she gazed up at him, the suspicion of tenderness in his eyes went out abruptly; a stubborn reservation lowered over them like a curtain.

"You are early," he said.

"Yes," she answered, and the word came like a sigh. She sat down, a little wearily, upon the only chair. "Yes," she repeated; "it's going to be a long day."

He scanned her with rapid, questioning concern, but immediately there returned the rigid reserve that baffled her.

"I must go," he said decidedly. "I've a new barrio school up there in the bosque."

That was all. He strode across the room to the door, gathered up the reins, mounted, and was off, leaving her alone in the big, empty shed. After a while she looked up. Far toward the hills a little red spot was disappearing.

The following day the municipal treasurer came to her and told her what she should have known before — that the taxes had been collected and that there were some thousand pesos disposable for the pueblo school. So she saw, with an interest that made the days sweeter, the roof rethatched, the walls bolstered, a floor of bamboo being laid, and the Chino carpenter slowly evolving with his rough tools a dozen rude benches. A few days later an oldish little mild-eyed man presented himself to her. He told her that he had been one of Don Francisco's assistants, and was now to be hers.

This new proof of lofty and patronizing care exasperated her. She sent the man back with a message declaring that she needed no assistant.

Two weeks later he was again before her with a note. With a vague feeling of disappointment she saw that it was typewritten. It said:

> The Provincial Superintendent has transferred Abada from my town to yours. I cannot disregard the order.

Her cheeks flamed a little when she reflected that the two weeks passed between the two offers were just time enough for the exchange of correspondence between Cantalacan and Bacolot.

But she soon found Abada invaluable. He had evidently been subjected to a rigid training; naturally, he took upon himself all the smaller troublesome details of her work. Also, he knew his own people thoroughly and was precious in lifting for her the uniform veil of stolidity. And he had ingenuity. He propounded a plan by which the children came washed to school; he interested the parents in the clothing of their offspring, so that now the room rustled with starch. The rivalry of the town factions he diverted adroitly into a race for the favors of the Maestra.

After a while, though, she noticed that Abada's brilliant suggestions came always on Monday mornings; also that on Sundays the little mild man, stick in hand, wended his way across the plaza and then down the road leading to Cantalacan. This vexed her, and the next propositions of her assistant were ignominiously rejected. That morning she mapped out her own course. She planted vines that with tropical vigor forthwith

began to climb the bare walls. At the windows she hung wonderful orchids. She draped two American flags in flaming panoply behind her desk, improvised of dry-goods boxes. The supplies had come from Bacolot (very strangely, in ox-carts belonging to the municipality of Cantalacan). The maps upon the walls, the blackboards and charts upon their tripods, the shelves of books gave to the place an air of study and quiet. Thanks to Abada's constant visits to parents, his free use (she did not know that) of Don Francisco's name, the attendance was rising by leaps and bounds; the school-house was full of gentle brown goblins. Her soul was sweet with the feeling of being loved.

And yet she could not shake off the old tyranny. An emptiness was within her; and emptiness it was, and yet it weighed like lead. Above, about her, the alien, incomprehensible Land flamed, fierce, inimical. She dreamed of grassy meadows beneath apple trees; through the flowering branches voices passed, voices of her own kin and race, sympathetic and intimate.

One day she had an idea that filled her with wild joy. She would give a dinner and invite Mr. Parker and Mr. Tillman.

The invitations were sent out and answered. On Saturday she went to the market. She passed amid the squatting women like a humming-bird, flitting hither and thither, stopping a moment to sip here or there, then whirring off again with her store. And when she returned, her tawny parasol tilted back upon her shoulders, her two boys behind her bore baskets filled with wonderful and colored things. She overhauled her stores and set to work immediately. A man she sent down to the sea to fish for her a lapo-lapo. And all day she measured and mixed and beat and prepared for the morrow. She was up with the sun the next day, and all morning she flitted about, humming like a bee building its honey-home, a white apron pinned to her dress, her face flushed, her hands floury. At noon Parker came in. She greeted him joyously and then, leaving him with the latest-received magazine, whirred off again to some mysterious final crisis in the kitchen.

At one o'clock a tao came with a note. Mr. Tillman was very sorry, but something unexpected and imperative had called him away. He would not be present.

Her hands dropped to her sides; a great disappointment filled her soul.

She forgot it partly in the performance of her duties as hostess. Abada took the place set for the missing one. Parker lost his eternal discouragement and livened in a way that made her glad. Late in the afternoon he left.

"Lordie, what a little wife she'll make," he murmured to himself riding in the gloaming. "And that fool Saunders, what's the matter with him anyway, leaving her down there so long!"

From which it would appear that Dame Rumor had not found it imperative to correct her first erroneous report.

As for Miss Terrill, her brave "cheer up" checked her just as she was on the point of idiotically weeping over the ruins of a splendid chocolate cake.

IV

The rains began. Seated at her window she would hear a roaring tattoo in the grove of abaca palms to the south. The noise neared, rose, thundered. Long, lithe cocoanuts began an inexplicable bending to and fro, their tops circling in trembling descent almost to earth, then swinging back to the spring of the bow-tense trunks in a movement exaggerated and violent like that of some stage-tempest. Out of the grove, beaten, trampled down, there advanced into the open a black wall of rain, perpendicular from earth to sky. Ahead of it dust, twigs, rubbish suddenly ascended to heaven in rotary spirals; trees were flayed of their leaves, roofs flew up like gigantic bats. Then her own house, strongly built, shook as with earthquake; the thatch of the roof sprang vertical, like hair that stiffens with fear, and between the interstices she saw the muddy sky stream by. A powder of debris, of dry rot, snowed down upon the table, the books, the chairs; little lizards, unperched, struck the floor with a squeak like that of a mechanical doll, remained as dead for a long minute, then scampered across the room and up the walls again; great black spiders, centipedes, scorpions fell; sometimes a large rat. Then the nipa clicked back to position as a box is shut; breathless silence, a heavy immobility petrified the world. There came three or four detached, resounding raps upon the roof, and suddenly a furious, roaring beating as of stones coming down, great stones chuted in thousands, in millions — and the church, the plaza, the mountain, the whole Land disappeared in a yellow swirl of waters.

It rained thus for hours, for days, for weeks. The leaden vault of the sky seemed irreparably cracked, letting down the liquid hoardings of ages. It rained, in drops big like eggs, falling so swiftly that they welded sky to earth as with iron bars; it rained heavily, monotonously, mournfully. The first wild, triumphant burst over, the elements seemed to have settled down to their task with a quiet, brooding patience, an immense persistence of unalterable purpose. It seemed that it would rain thus for years, for ages, for inconceivable eons. The world was rain, the future was rain; she lived in a chaos of water. The whole earth softened, dissolved; it rolled through eternity, a silent, viscous ball of ooze spattering the stars. Inside her hut a musty leprosy crept over things; her clothes rotted in her trunk, mushrooms sprang overnight upon her books; her very soul, it seemed to her, disintegrated before this malevolent persistence of elemental purpose. A black mournfulness was over her like a veil.

She yet saw him sometimes. Out of the obscure chaos he emerged, a vague shadow; behind the vitreous sheet of waters he passed, wrapped in a great cape, erect, immovable upon the horse struggling up to its knees in the mud, the heavy flaps of his sombrero down over his face, leaving to view but the hatchet-carved chin. She knew now where he had been that Sunday. A discharged negro soldier had been terrorizing a little barrio to the south. The Maestro had ridden there and going directly to the bully, had disarmed him and ordered him out of the country.

And now, up in the hills, but daily nearer to the coast towns, a band of tulisanes were committing depredations. Barrios were burned; principales suspected of giving information to the authorities were tortured. And it was said that a negro renegade was the leader of the band.

He was present to her in ways other than these shadowy apparitions. One day men had placed upon her nipa roof a sheeting of zinc; she found later that the material came from the ruined convento of Cantalacan. She felt about her a fostering care, immense, enveloping like the Rains, mysterious, impalpable like them. But it was impersonal, far, cold — like the Justice of God. It left her very lonely.

One morning at sun-up he rode into the pueblo at the head of a dozen men. By their uniforms, their rusty Remingtons, she knew them as the municipal police of Cantalacan. For a week there had been a respite of the rains, and the roads were fairly firm; but the outfit came in mud-crusted to the eyes, the horses staggering and dripping foam. They clattered rapidly past the house and stopped before the Casa Popular. The Maestro dismounted, but she noticed that before he allowed the others to do so, he sent a man ahead to the outskirts of the pueblo on the side opposite to that by which they had come; she could see him, sharply delineated against the rising sun, scanning the horizon. The Maestro sprang up the bamboo steps of the municipal house; his voice rang sharp and incisive. There was a running to and fro of muchachos, and man after man, the town police assembled. She had noted before their slovenliness, but now, as they mingled with the men of Cantalacan, this appeared emphasized. There was something brisk and efficient about everything that came from Cantalacan, it seemed. The Maestro reappeared and mounted. He placed half of his men in the van, the other half in the rear, the Barang contingent being framed between, and putting himself at the head started out of the pueblo by the road opposite to that by which he had come in. She saw him for a while, pliant in the saddle, leaning forward, pressing the pace, the rest of the troop pell-mell after him, rising and falling one after the other, their broad hats flapping. Suddenly he seemed to go through the crust of the earth; man after man disappeared after him; the last laggard dropped out of sight. They were crossing the river. They reappeared, toiling slowly up the farther bank, bunched for a moment, then vanished between the palms.

Toward evening she saw them return. He was not riding in front. But between the horses, formed in a hollow square, something limp swung from side to side — a litter borne by four men.

V

What followed came back to her afterwards, with strange blending always of vague unreality and glaring vividness.

Very calmly she went down to the Casa Popular, before which the cavalcade was stopping. On the ground she saw the litter with its lithe form silhouetted beneath the blanket. "He is dead," she said to herself

with weird certainty. All about her, men were talking excitedly; she did not hear a word, and yet, later, all that they said came back to her, complete to every inflection.

The Maestro had received secret information of an attack planned by Martin, the negro renegade, upon Barang; hence the move of the morning. The two parties had met upon the road; both had taken to the ditch and had peppered away at each other for a while. Then the Maestro, who had kept on his horse to hold his men better in hand, had been struck by a chance bullet; the pony, zipped by the same fire, had thrown him. But as, seizing the opportunity, Martin charged forward with a yell of triumph, the prostrate man, raising himself on his elbow with a last effort, had shot him through the head with his revolver. This sudden reverse had scattered the outlaws.

She did not hear this; it came back to her later. She stood very still; and her heart, with each solemn beat said, "He is dead."

A desire came to her to see him once more. She moved to the litter. She lowered the blanket. Upon the very white forehead the black hair was matted: matted with the toil done for her, in her defense. She separated the curls between her fingers, smoothing them in long caressing movements. And then she saw stirring between the pale lips the suspicion of a breath.

Instantly the dreamy lethargy that enshrouded her dropped like a cloak; and she was athrill with a fierce desire for action. "To my home, quick, quick!" she cried to the men. They took up the litter and started toward the house. But they were inconceivably slow. They jostled him. She pushed one of the carriers aside and herself took a pole. Finally he lay upon her little cot.

She tore open the khaki blouse with its spot of rust over the heart. The blue shirt beneath was soggy and dripping. With her scissors she cut off both garments, then washed the bared flesh. But there was something which would not wash off — a little bluish spot from which, constantly reforming, red lines radiated like the cracks of a broken pane.

He opened his eyes just then; they glared wild for a moment, settled upon her, softened, then with a sharp intake of breath he was unconscious again. She noticed that his right shoulder had a strange, caved-in appearance. She felt the joint lightly. The shoulder was dislocated.

Her lips tightened. That first must be set, for from it he suffered. She had heard of it as something very difficult. She was a girl, weak, lone, ignorant; and yet it must be done.

She called Vincente, and together they tried to draw the arm back in its socket. It was sickening work. At every effort the strong shoulder muscles contracted in reflex resistance, and they were helpless as babes.

She desisted and thought, with an exasperated concentration of all her faculties. A snatch of chance knowledge came back to her. In her trunk she had a little medicine-chest given to her by loving friends when she had started on her long voyage. She had laughed at the time; she pounced upon it now like a wild animal upon food. She looked into it in anguished questioning. Yes, there it was — a vial labeled chloroform.

She sent Vincente out for Bendito. He was a cargadore, and very strong. He came, stood upon his immense bare feet before her, his straw hat in his hand, and she looked with thankfulness upon the bull-like neck, at the arms, bulging in ridges beneath the camisa. Once she had cared for his sick baby-girl, and now he adored her.

They moved the cot against three of the roof-sustaining posts and fastened it tight to them. They strapped the unconscious man to the cot.

The crucial moment came now. Right here she might murder him with criminal ignorance. She accepted the hazard heroically. She uncorked the little bottle, spilled some of its contents upon a wad of cotton, and applied this to the pinched nostrils. He struggled; his left arm tugged at the strap holding it till the muscles were tense to breaking. She persisted — and suddenly his effort collapsed; with a shuddering sigh his whole body relaxed liquidly.

She made use of Bendito now. At her command he took between his iron fingers the wounded man's wrist. She placed her soft hands upon the tao's corded arms. He tugged; she directed. From her tapering fingers there flowed into the stolid muscle of the machine-man a subtle fluid of tender intelligence. In the commonness of their work they became as one: he the body, she the soul. The chloroform had had its effect; the shoulder muscle loosened, elastic, to the steady pull. The arm lengthened, almost

immeasurably. She panted. Beneath the suggestion of her fingers Bendito gave a sudden sharp movement up and to the left. There was a resounding click — and then Bendito, Vincente, the man on the cot, the whole room floated slowly upward, leaving her in a lone, black hole.

But from this weakness she emerged to the urgent call of what there was yet to do. She wrapped tape about both shoulders to keep the set member in place. Then she turned to the wound.

She saw with relief that the stagnant red lake which had covered it at first had not returned. But there was still the little blue hole, with its radiations of cracked glass. She fingered it lightly. In there was a bullet, and it must be got out.

Pale, with both eyes closed, she gently inserted her little finger into the warm flesh. It was as if she were digging into her own heart. After a while she felt a hard, rough-edged object. She gasped in a strange mingling of physical horror and spiritual ecstasy. The bullet had sunk a bare two inches.

She looked through the chest, but there was nothing for the necessary extraction. She tried the scissors; they slipped and revolved about the leaden slug without seizing it. She wrapped twine thick about the blades. This time they caught. There was a momentary resistance; she tugged firmly, it seemed at the very core of her being. Slowly at first, then faster, the distorted bit of lead slid through the flesh, then popped out and rolled upon the floor. A little ruby foam came to the surface of the wound.

The whole world floated away gently, except a Voice, a thundering, all-filling Voice: "Señora, Señora," it crashed and reverberated through the infinity of Time and Space. It fell gradually into a call, gentle but insistent, that she must obey, and she opened her eyes upon the face of Vincente, yellow with fear; and it was he that was calling "Señora, Señora!"

She sprang to her feet at the command of her purpose. From the torn wound, little red drops were arising like bubbles, one by one — the drops of his life. She dressed the wound carefully. A great weariness fell about her like a pall; she sat down at the head of the bed. Something soft and delicious entered her soul.

She remained there until dawn. It was one of those nights when the heat weighs like the tomb. Outside, the beasts of the damp shrilled in deafening clamor. Incongruous insects, demon-shaped, soft, loathsome, flopped heavily against the lamp. But a sweet content sang at her heart. The oppression of Things that had crushed her for so many months had lifted; her being distended in ecstatic repose. He slept, still in the torpor of the anesthetic, calm like a statue; she watched him, watched the white forehead with the black curls damp upon it, the eyes, closed in the shadow of the long lashes, watched this helplessness with a gentle feeling of maternal possession. His features were relaxed in lassitude; the corners of the mouth drew down slightly, in an expression a little tremulous, as that of a child who has cried and is not yet quite consoled. A great tenderness dissolved her being.

Toward morning, however, his cheeks flushed dull red, and he began to toss restlessly upon the narrow couch. She placed her hand upon his forehead and found it burning. She redressed the wound, placed fresh bandages about the shoulder; but the fever did not abate. All day she fought it, handicapped by her poverty of means. And then, as the sun had set in black and blood portent, and the night fell like a great velvet cloak from the sky, Fear crept into the little hut; and all night as she sat there by the cot, it was at her elbow, spectral, dilated-eyed, and cold.

He tossed and tossed in convulsive starts till the cane-bed creaked and cried. He muttered incessantly, words without end, rapid as the tick of a telegraph receiver. At times she could understand.

"The silence!" he would say, "the silence!"

He stopped a moment, his brows frowned, then the words came again, slow, as in painful mental analysis. "Their ways are different," he said; "their language incomprehensible. It is silence — God, what silence!"

He rose to a sitting posture and listened long, intently. "Nothing," he said, falling back, discouraged; "silence," he whispered.

Then, "And the mountain, the musty mountain, how it weighs!"

He was quiet for a long while. Then he spoke one word.

"Lone" — and the word drawled like a plaint.

A great wonder possessed her. So he also had felt what she had felt, had suffered what she had suffered. Through the armor of efficiency, of alertness, had penetrated the oppression of the Land. He, the strong, the vigorous, the self-reliant, had suffered as she, the weak, lonely girl. She passed her hand softly over his hot forehead; she bent down in an impulse to kiss. But he was talking again, one sentence repeated in swinging sing-song:

"Saunders, Saunders, may he make her happy; Saunders, Saunders, may he make her happy." He fell into a rhythmic beat, like the marching cadence of a drum. "Saunders, Saunders, may he make her happy," he repeated, over and over again, in ceaseless sequence.

She drew back afraid. Saunders — that was the young lieutenant at Bacolot. But who was the mysterious "Her" that out of the mechanical rise and fall of the sentence rose distinct in an emphasis of wistful tenderness? — a sense of profanation made her shrink; she should not listen to that.

She left the room and went below to rouse Vincente. But he was in the death-like stupor that is the sleep of the native. She could not wake him, make him understand what she wanted — that he should watch over his master. She had to go back, and as she re-entered the room he was still murmuring, but with slowing cadence, like a clock that runs down: "Saunders, Saunders, may he make her happy."

When finally the thing had died upon his lips, he was quiet a long time, and she remained there, listening to the beat of her own heart. The dawn was entering cracks and windows in grayish humid flow. She shivered a little; a great discouragement dissolved her strength. She moved to the window and looked out upon the misty landscape. After a while the sun appeared, a red ball of fire on the top cone of Canlaon. It rose, freed itself of the enveloping net of vapor, shone down, white, clear, inexorable; the mountain slopes began to steam.

A movement behind her made her turn.

He had risen and was sitting upright, his free arm raised high toward heaven, and in impassioned accents he was declaiming.

"Star of my Life," he cried; "Star of my Life, cold in the black sky, far, ah, how far! Star of my Life, in spite of all, in spite of thee, thou art *my* Star, *my* Star!"

He sank back as if broken with the effort. She placed her hand upon his hot brow, and beneath it she felt the heat slowly recede; soon he was sleeping peacefully like a child.

"Star of my Life!" she murmured wonderingly.

VI

She was very happy that day. He slept heavily, broken with fatigue and loss of blood; she hovered about him like a butterfly, finding a thousand little, precious things to do. In the afternoon she decided that she must rest. She had improvised with screens a room in the sala; but she slept only in snatches. She woke often with a delicious feeling of duty to perform; and then she would glide to the door and from the sill watch him sleeping calmly within. She was no longer lonely. All night he slept thus; then, as in the morning she flitted about the room touching things here and there, she became aware that he had awakened. She did not turn toward him, but she could feel his eyes, softly luminous, following her gravely. She slid out of the room. He had not spoken.

But outside the world was dull. She returned. As she entered, the eyes were still on the door, wistful; but suddenly, like a veil there came over them the old stubborn reserve.

"I must go," he said. "I suppose I got laid up in that fool fracas over there. You've been very good to me. I must go."

He tried to raise himself, but a gray pallor sprang to his face. "Sh-sh-sh," she hissed gently. "You must be a good little boy and do as I say. You must not move."

A great weariness was upon him; his bones were as water, and beneath the soft "sh-sh-sh" this weakness became a dreamy and very pleasant feeling indeed. "I'll be a good boy," he murmured obediently. Suddenly she realized that he was very young after all; which gave her a very maternal tone as she said: "Drink this; it will give you strength."

The days that followed had a taste of honey. A dreamy passiveness held him in its thrall, and she was about him always, like a sweet despotism.

But slowly, as he grew stronger, came the change she dreaded. A corselet of reserve

drew about him; the old subtle reservation again veiled his eyes. He spoke often of going.

On the fourth day the call of a bugle drew her to the window, and a troop of cavalry was sweeping into the plaza. At its head was young Saunders. Rumors of ladrone raids reaching Bacolot had caused the sending of the detachment; it was to garrison Barang indefinitely.

She learned this from Saunders, for he called that evening, and together they sat at the bedside of the wounded man. She smiled upon the young fellow a slightly malicious smile, for he seemed very much consoled indeed. Later, as he left her at the head of the stairs, he confided that he had renewed a correspondence with an old schoolfriend.

"Sure *you* won't?" he asked in smiling apology.

"Sure I won't," she answered, with responsive gaiety, but reiteration of intention.

"Good-night, little mother," he said.

He came every evening after that, and the man propped up on the pillows listened with wonder to their light and impersonal prattle.

The last day came. Early in the morning the Maestro called Vincente, and with his help put on the khaki, the leather puttees, the belt with its burden loose along the thigh. The pony, all saddled, was standing outside. He meant to slip out unnoticed.

But once in the sala a sudden remorse detained him in hesitation. For the good of his soul, he knew he must not see her. And yet, it seemed black ingratitude, this sneaking departure. His eyes wandered over the table with a vague idea of leaving a written good-by ——

A gliding swish behind him made him turn. She stood in the frame of the door, looking at him. She was wrapped in a loose gown, mauve-tinted, that stopped in a square before reaching the neck. Her hair fell in two braids behind her, leaving a haze of gold shimmering before the eyes; and her eyes shone through, calm, wondering, and blue. A vestige of pure, white sleep still hung about her cloyingly, and she was adorable.

"You are going?" she asked — and the words floated slowly, as if held back by some indefinable regret.

"Yes," he said, "I must go back."

She stood looking slightly past him at something very far, into an infinity that was desolate; her eyes widened, purpled.

"I shall be lonely," she said impersonally, as if reading into that distance.

He started a little. After a while he said, hesitatingly: "The troops are here now; the lieutenant —— "

But she stood there, very still, staring at the future stretching long ahead like the past mirrored, the lone, inexorable future reflecting the lone, hard past. She moved forward a step, and that step was very weary.

"I shall be lonely," she repeated.

A tremulous wonder came into his eyes.

But suddenly she had crumpled upon the long wicker chair, her face hidden in her arms; and her shoulders began to rise and fall softly.

He stood there, stupefied, watching the gentle swell and ebb, and slowly the wonder in his eyes grew to the light ineffable. He moved forward. He touched her timidly.

"Girl," he said in awed murmur, as if in the hush of a cathedral. "Girl, can it be!" But she remained gently weeping. He took her arms and raised her slowly; and they stood before each other, their twined hands hanging loose between them, their eyes looking into each other's, gravely reading.

"Girl!" he said again, and this time the tone held the ecstasy of revelation.

"Boy!" she smiled back through the sacred dew of her tears.

He drew her to him, and she wept upon his shoulder in sweet abandonment, and his heart swelled within him in immense tenderness.

"Star of my Life!" he murmured.

GALVESTON: A BUSINESS CORPORATION

BY

GEORGE KIBBE TURNER

FIVE men about a long table — a president and four managers of departments — govern the city of Galveston, Texas. This board is now five years old. It is probably the most direct and simple city government in the world. More than that: it is a revolution in local government in America; for it is organized on entirely new lines — the lines of a business corporation. Till now we have assured ourselves: "A city is a business corporation" — and run it with a legislature.

The Galveston Commission government has not only been a startling success in that city, but it is being adopted with great rapidity throughout the Southwest. The two largest cities in Texas have already taken it up, and within two years it is believed that every city of consequence in the State will have done so. From these — if its success continue — it must find its way north to the region of great cities.

The new idea was born of a tremendous disaster. On the 8th of September, 1900, the Great Storm came down on Galveston, and all but tore her from the map. One sixth of the population were drowned, one third of the property was destroyed in a night. The municipality itself was ruined — paved streets washed away, lights blown down, city buildings wrecked. And worse than all there was no money. Tax-payers — the great majority of them — could not pay their taxes then. The credit of the city was gone. Her bonds went down at once to sixty. Yet millions must be spent in public works to keep the city in existence. Thousands of people were hurrying away. To retain her population the city must have the assurance of protection from a repetition of the disaster.

Those were the days when good government was no pretty theory in Galveston. It was a great serious desire. The community loomed big; the individual seemed very small. For the community was the only hope. Unless it could reorganize and go on, the individual was ruined. There was in the city a body known as the Deepwater Committee, formed to secure national appropriations for deepening the city's harbor. Its fifteen members are believed to have represented, in one way or another, nearly half the property of the place. Without delay, although it had never before concerned itself with municipal matters, this organization took affairs into its own hands. It planned ways and means of raising money, of satisfying creditors, of building public works, and it especially considered the formation of some agency to take over the management of the ruined city — a strong, responsible, centralized city government which would really govern. Now there were two systems which the city would certainly not adopt. She had tried them and found them wretched failures. The first was government by a mayor and ward alderman; the second was government by a mayor and a board of aldermen elected at large.

Ward Aldermen — A Vicious System

Galveston inherited, together with the other cities of the United States, the usual system of dividing its territory into artificial districts, each of which elected its representative in the city council. Until 1895 she was ruled by the ward aldermen, who constituted by far the strongest branch of her government. It was impossible to elect really representative men to this body. Its members represented, not the city, but the ward; and the ward, in the great majority of cases could be almost certainly manipulated by the worst type of politicians. The aldermen had the distribution of the patronage and improvements. They divided them among their wards. Each alderman had the naming of his own election officers. The

ward alderman had Galveston, as he has most American cities, securely organized. It was a disgrace, but it could not be corrected. Citizens went about their own business and disregarded it.

In 1893 Dr. A. W. Fly, a big, aggressive, popular physician, was elected mayor of Galveston. The city council was then, and had been for several years, in the control of the Eleven. This assortment was made up as follows: one saloon-keeper, one bartender, one drayman, two wharf laborers, one negro politician, one journeyman printer, one retail butcher, one retail grocer, one curbstone real-estate broker, one political agent for a railroad which never existed except on paper. War started immediately between the mayor and his aggregation. The Eleven overrode more than thirty vetos of the mayor in two years. The mayor, on his part, decided in 1894 to have an examination of the city's books. Being refused an appropriation for this by the Eleven, he paid for the work out of his own pocket.

It took four bookkeepers four months to unsnarl the thing. The whole system was honeycombed; the city had been exploited right and left. But far more astonishing than that was the absolutely barbaric crudeness of the affair. The losses from a defaulting ex-collector had been wiped off the books of an ex-auditor with a great daub of ink; the acting collector was calmly withholding thousands of dollars. The Eleven were giving all the city contracts to one contractor, and were frankly getting his endorsement on notes which they did not pay. These peculiar creatures, secure within the protection of the imaginary lines which made them, did not even trouble themselves to steal in a quiet and businesslike way. They battened openly on the city. If they had been less hungry or more intelligent, they would have fared better and gone farther. As it was, regardless of investigations, they had destroyed themselves. The citizens were refusing to pay taxes. The aldermen and their friends did not do so; then why should any one? Government cannot well continue without taxes. The rule of the ward aldermen was coming to a standstill — after having brought the affairs of the city into chaos.

There have been two plans of procedure commonly adopted, in America, under such circumstances. One — kindly, but pathetically ineffective — has been to try to elevate the ward aldermen. The other, growing in popularity for fifty years, has been to take all power from him and leave him a shadow. This movement has gone furthest in New York, where in the last ten years the ward alderman has been so robbed of his vitality that little now remains but to put him out of his pain. Galveston did neither of these things. She neither attempted to evangelize the ward alderman, nor to destroy the creature and retain the name. She merely went to the State legislature and put out of existence this Frankenstein monster which she had created with her own hands to pursue her.

Aldermen at Large — A Failure

From 1895 to 1901 Galveston was under another system — a mayor and a board of aldermen selected at large. She might be said to have had the usual type of American city government, reduced to its simplest form. She had escaped the viciousness of ward politics, but she retained exactly the same old machinery of operation. Imagine a business in which every matter to be considered goes first to a committee of three or five, then to a body of from twelve to two hundred, then at last to a single independent head for approval or disapproval — never once on its journey feeling the vital touch of a responsible hand, or the illumination of an expert mind. How long would a body of this kind exist in competition with the savage personal self-interest which drives the corporation of to day? Yet that is city government — whose daily business brings it into relation with the sharpest and most unscrupulous elements in the business world. Is the present general hopelessness and indifference toward civic affairs fairly a surprise under the circumstances? Can anything come out of such machinery but failure and disgust? The interest in Galveston, stimulated by the reform of 1895, continually died down, both on the side of the public and the office-holder; but, in the meantime, the sharp interest of the politicians remained. In 1899 a machine mayor was elected, and the better element had the greatest difficulty in electing a bare majority of the aldermen. It was this government which broke down under the strain of the Storm — offering the melancholy spectacle of a chief administrative body in a tremendous crisis, with its two branches in open hostility.

After the Storm this body arrived nowhere. At first it made a few feeble moves, some of which proved most unfortunate in a business way. It was advised by one of its members to resign, but it would not even do that. It merely talked loudly and vociferously. The public disregarded it entirely. They looked first and always to the Deepwater Committee — a body without any delegated authority whatever. The people of San Francisco did a similar thing after the earthquake, and those of Memphis after the scourge of yellow fever in 1878. In the white flash of great calamity the population of cities sees with perfect clearness the inadequacy of the old machinery of city government in the United States. It is useless when we need it most.

The Commission and Its Origin

The Deepwater Committee met nightly, discussing the community's affairs. They viewed Galveston, not as a city at all, but a great ruined business. What agency should be selected to reorganize it? Obviously, no mayor and aldermen: not with the memory of the past: not with that pitiful, chattering thing before them as an object lesson! The matter was not to be considered. But about a month after the Storm the present commission government was suggested. Within ten minutes the idea was approved and adopted, and a committee chosen to formulate it. R. Waverly Smith, a former city attorney who suggested the idea, was chosen chairman. Two other lawyers — Farrell D. Miner, and ex-Congressman Walter Gresham — acted with him.

There were hints for the Galveston government in the commissions of Washington and Memphis, Tennessee, but they were little more than hints. For the important feature of the system the committee drew straight from modern business practice. Now, there can be no doubt of the splendid, brutal vitality of the great business organization. The whole earth is filled with it. We cannot escape its compulsion — eating or drinking, getting up or lying down. The problem of the charter committee was to inspire with the force of this strong, live thing, the moribund institution of city government. But where does this great driving force of the modern business corporation come from? From personality. The corporation succeeds because it has harnessed to its use the ambition and interest of strong men, by placing upon them individual responsibility and authority. The Galveston committee, in the same way, brought into the impersonal, perfunctory operations of city government, the same power of personal interest and ambition — stimulated, not by any empty political preferment, but by the satisfaction of a fine and important public service.

The Galveston Commission is a body of five men — a mayor or general manager, and four managers of particular departments. All power resides in the Commission. A majority vote of the body is final. The mayor is presiding officer and general director of the affairs of the city, but he has no power beyond his vote as commissioner, except some minor abilities to act in case of emergency. The commissioners must also come to the board for all power to act. The Commission, at its first meeting, divides its departments among its members by vote, under these four heads: commissioner of finance and revenue, police and fire commissioner, commissioner of streets and public property, and water-works and sewerage commissioner. The mayor is elected specifically for his office, but the commissioners are not. But, though the division of departments is under the charge of the board, the public are practically certain, when they cast their votes, of the office each man will assume. In fact, the men who now serve were chosen because of special fitness for their work. The elections to the board are, of course, at large, and the whole body is elected together every two years — the election taking place in May, a time as far removed as possible from the time of other elections.

You must understand exactly the function of these commissioners, for this is very important. They are not superintendents in any sense — although they are salaried men, the mayor receiving $2,000 and each commissioner $1,200 a year; they are governors or managers of departments. First of all, each represents his department in the board. They outline its policy there as specialists in its affairs, and all questions concerning it are referred to them for their opinion. All matters of the daily conduct of their departments are under their supervision. They are in much the same position to the city that the British ministry is to the affairs of England. Their superintendents under them take the management of the

routine. They simply advise and direct. The work, consequently, in all but the largest cities, will not be so great but that it can be undertaken by most business men. Varied amounts of time will, of course, be given it, according to the temperament of the individual in charge, but the daily average need not be large. As a matter of fact, the Galveston commissioners give it more time than they would if they were not so actively interested in their work.

A Really Representative Government

It is a wide-spread belief — and one of the most hopeless beliefs in the current pessimism concerning city government — that strong and representative men can never again be had for the service of cities. There is an ample supply for the management of libraries and hospitals and boards of trade, but none for the vastly more important work of city government. Galveston has contradicted this skepticism successfully. Her commissioners came into her service, it is true, under the pressure of a great calamity; but they still remain, and from present appearances they will continue some years longer. Their work interests them; it has become their hobby, as the libraries and hospitals and parks have their thousands of wealthy and successful men throughout the country. The change in the form of government has made this possible. In Galveston, where the office of alderman was a street joke or a disgrace, the office of commissioner is a high honor, and an absorbing personal interest for its holder.

This is the class of men who do the city business of Galveston: the first mayor-president was Judge W. T. Austin, for years one of the leading attorneys of the city. His death, in the fall of 1905, made the first and only change in the Commission up to date. He was succeeded by Henry A. Landes, a veteran wholesale merchant, with wide and varied interests in local business affairs. I. H. Kempner, the commissioner of finance, is perhaps the most promising young business man in the city — a banker and active manager of large business interests. Previous to his election he was for two years city treasurer. H. C. Lange, the water-works and sewerage commissioner, is an active partner in a prosperous wholesale house. Before becoming commissioner he was for a number of years a member of the subsidiary board which managed the routine of the water department under the aldermen. V. E. Austin, commissioner of streets and public property, is a successful real-estate dealer. A. P. Norman, police and fire commissioner, is the secretary and treasurer of a live stock concern, and has seen previous service as alderman. The first two men are wealthy, the third in more than comfortable circumstances, and the last two of moderate means. They are all good, clean, representative men. Galveston has at last a really representative government.

The Galveston commission government began in September, 1901. Upon their installation, its members immediately reorganized the official force of the city. The salaries were not large, but they secured an excellent corps of officers. Albert Ferrier, the expert accountant who unearthed the scandal of the city's books in 1894, was made city auditor. Dr. C. W. Trueheart, a veteran physician with a life-long enthusiasm for proper sanitary regulation, was chosen health physician. John T. Rowan, one of the cleanest and bravest men on the police force, was put at its head. Throughout all the departments the best available men were selected with as much care as for a private corporation. This force still remains intact. Together with the commissioners, whose board has been broken only by the death of Mayor Austin, they form an administration as continuous as that of any business concern. Galveston, instead of changing managers every two years, has been governed by trained and experienced men. This government has now served five years. It has ceased to be an experiment. It has had ample time to prove itself.

Financial Saving, One Third

Its brilliant success is best shown by its financial record. This is stated in a few words. The Commission found the city bankrupt, it has raised its credit to above par. It has saved Galveston one full third of her gross running expenses. The annual cost of the government of Galveston has averaged about $650,000. In the four and a half years of commission government ending February 28, 1906, a saving of at least $1,000,000 — over $220,000 a year — had been made in comparison, not with the vicious period of the ward aldermen, but with the years of the general aldermen, following 1895.

The government in the four and a half years preceding the Commission had incurred

$250,000 of debt for current running expenses; the new government incurred absolutely no debt for this purpose. The former government had had to its credit $425,000 more in assessed taxes than the new one. After making allowance for the inefficiency of tax collection under the old régime, the Commission, during its first four and a half years, had saved the city at least $500,000, which it must have raised by taxes or added debt if the old administration had been in charge. In addition, the Commission had saved $500,000 more. Of this, $200,000 was laid away by reducing the net debt by that amount, and $300,000 was put into permanent improvements, which, if made at all, must certainly have been paid for by bonds if the former administration had been in charge. It might be objected that the slightly smaller population in the second period, under the Commission, would call for smaller expenditures. But this is not true. The second period has called for larger outlays — for all kinds of repairs after the Storm, and for the extension of the city's functions in every line, excepting possibly one — the fire department. And all this has been done under a slight average decrease in the tax-rate.

These results have been secured by straight, careful business methods, such as any man would apply to his own affairs. Great pressure and ingenuity has been used to add to the sources of revenue. An additional $30,000 has been secured in the four and a half years from a vehicle tax, not collected in the period before. Nearly $60,000 has been secured from interest on city deposits which, by an extraordinary piece of carelessness, was given over previously to the city treasurer. Some $7,500 has been realized from taking over the costs which had formerly gone to the chief of police and the prosecuting attorney in the city court. The water-works, at practically no increase in operating expenses, have yielded $115,000 more. And when the streets were rebuilt, the street railway paid its share of them — a matter of $40,000. Added to this is a comparative saving in the four years and a half of $60,000 and $40,000 in the police and fire departments, from a reduction in salaries and force, and nearly $40,000 from the cheaper operation of the electric light department.

But the one source of immediate income, where the greatest gains over the preceding government have been made, has been the collection of taxes. Nothing could have been looser than the methods of collection under the ward aldermen régime. Delinquent taxes were let go not merely for a few years; a great share of them were lost forever. In 1897, after the reform movement of 1895, $115,000 was marked off the city's books at one time; since then, sums probably equally large have also been charged off as worthless. The government of the general aldermen collected taxes better than its predecessor, but it, too, was making large losses. In its first four and a half years the Commission collected $90,000 more in back taxes than the preceding government did in the corresponding time. The showing in current taxes was even more striking. Although the Commission's assessments were $425,000 less in the period, its collections were within $175,000 as much as those of the administration before — a gain of $250,000. There is no miracle about all this. It means simply that for the first time Galveston is operated by business men on a business basis. Every possible corner of the city's operating system is now being watched with care, both to increase income and decrease running expenses.

The Great Sea Wall — A Study in Municipal Credit

Of the building of the great Sea Wall, of the raising of the grade of the city, of the financing, by a bankrupt community, of public works costing one fifth of its assessed valuation, it will be necessary to speak only so far as all this concerns the credit of Galveston; for although a part of this work — the grade raising — was inaugurated and is now under the general oversight of the Commission, the big financial plan was not made by them, nor is any of the operation directly under their charge. The cost of all the improvements will be $4,200,000. Of this, the county, of which Galveston forms 80 per cent in a financial way, assumed $1,500,000 in the building of the Sea Wall. The United States government was induced to extend the wall around the property connected with its Fort Crockett on the southwestern border of the city at a cost of $700,000 more, and the State of Texas was persuaded to remit the State taxes on Galveston property for seventeen years, and allow the sum of them to be used toward the $2,000,000 which will be required for

raising the city's grade to the top of the Sea Wall. At the end of the last city year, on February 28th, Galveston had issued $600,000 in grade-raising bonds. The city had then received $330,000 in remittances from the State. This, together with an allowance from the holders of the old city bonds of half their interest for five years, just about offset the bond issue. From now on the concession from the bond-holders will cease, and the expenditures for grade raising will reach the full $2,000,000 next year, when that work will be done. The city is being bonded for this. But the financial problem is already solved. The bonds of the city, which fell to sixty after the Storm, are now worth more than par. The credit of Galveston — city and country — was never so good before. And the city is protected forever by the huge Sea Wall — four and a half miles long and seventeen feet above the level of the Gulf — one of the greatest engineering works of modern times.

Cleaning Up an Open Town

So much for finance. Now for the general government of the city; and first of all its moral regulation. This was no fortnight's task. Galveston lies at the meeting place of two frontiers — the far bounds of the land and sea. For half a century the folk of both have met at this border and swapped sins. Out of the sea came the reckless sailors; off the land the hordes of wild excursionists, down for big Sundays-full of the joy of life after the dun-colored monotony of the up-country farm. Galveston was certainly an "open" town. There were "writers" for the policy-shops on half the corner groceries and barber-shops in the city, teasing for the nickels of the negro and the child. Every afternoon the two or three headquarters held their drawings. It was a primary department in gambling for the children of the place, and the average colored servant sent to market with money could safely be expected to filch a part of it for the lottery. There were a dozen public gambling-houses in full blast; there were several variety shows so-called, as nasty holes as the barbarism of modern cities sustains; and a great number of unregulated saloons, open wide, and charitable as the gates of Hell, seven days a week, twenty-four hours a day.

There was no systematic tax on vice during the worst days of the Galveston government. The saloon-keepers were well represented on the board of aldermen. Both they and the gamblers contributed toward election expenses. Various members of the police force occasionally "borrowed" money from the liquor dealers on their beats, but there was no organized grafting. There was no occasion for it. The laws were loose, and public sentiment was low. In no southern city can public sentiment be considered really prudish. The young man must have his fling, and the town is kept open for him. In Galveston it was well recognized that one of the principal sources of the city's income was amusement, and Sunday amusement at that. This could not and cannot be avoided. The business sentiment of the city was very tender against giving Galveston the reputation of a "closed" town. It is yet, and Galveston is now no home of the saints. But the improvement has been striking, nevertheless. It has been more striking, indeed, because of this fact.

The Commission moved early against the variety shows and their dance halls, and soon made it impossible for them to conduct business. They then took up the better regulation of the saloons. These were compelled from the first to obey the regulations for keeping clean and orderly places. Later it was decided they must close at midnight, and this ordinance has been strictly enforced. The last matters to be attended to were the policy-shop and gambling-house. These institutions had been a fixture for years, but they had become unbearable, even from the tolerant view-point of the Southwest. The weeding of them out was not, however, a simple thing. The laws along this line are not very favorable for the authorities in Texas, and, in fact, there are laws of property in the State, which make it costly and dangerous for officers to break into a place, if no evidence is found. To this day, Chief Rowan is convinced that there is one gambler in town who keeps lights going in his old quarters every night simply to get the official into trouble for breaking in the door. But the Commission was not easily scared. "If they sue you for breaking into their places," said Mayor Landes to the Chief of Police, "you come to me. I personally will take care of you on your bond." The Commission moved against the policy-shops and gamblers. More than eighty places of "writers" and operators of policy-shops

were closed up by prosecution. The gamblers were all sued off into exile in Oklahoma.

In all the time of the Commission there has not been the slightest thought of any connection being established between the law-breakers and the commission government. The members of the old police force, who were under suspicion, were removed as far as possible in the reorganization. Only fifteen of a force of fifty-one men were retained, and the few doubtful ones who were kept have been watched carefully. During the five years of commission rule there have been twenty-nine changes in the small force, due to removal, resignation, and death. Practically the whole body of patrolmen, which was where corruption really took place in the old days, has been changed. The Commission has now an honest instrument with which to handle the criminal element of the community. Forty-four men do the work of fifty-one in former days, and do it incomparably better. As for any attempts to corrupt the governing board or their higher officials, such policy would be unthought of by the boldest criminal, in a small city like Galveston, where personal acquaintance with the character of men is so intimate. It would be silly.

Galveston is now a city where laws are thoroughly enforced. Not longer ago than the last term of criminal court during the past summer, the judge in charging the grand jury took occasion to compliment the city on the fact that it was so remarkably free from violations of the law.

The Streets — An Obvious Lesson

The streets are the kindergarten lesson in city government. Any one and every one must see every day whether the administration of that department is good or bad. Everybody knows and talks about the great change in Galveston. Before the Storm the business section of the place was paved with wooden blocks — left so dirty that at times it was impossible to recognize the paving with the human eye. The wood was so badly treated that it swelled with dampness, twisted the car rails and paving out of place, and made an almost impassable street surface. During the Storm this stuff rose in small rafts and floated away, leaving only the bare sand underneath. The Commission immediately set to work replacing it with brick. The whole business section — thirty-eight blocks in all — is again paved, and the price paid for the work is 40 per cent less than for the worthless paving which preceded it. A good start has now been made toward paving with brick the main thoroughfare from the center to the amusement section on the Gulf front. In addition, one hundred and eighty-one blocks have been paved with shell and crushed rock. All of this work, except, possibly, the last item, would have been paid for in the past either by bond issue or by the abutters. Under the new government the city has secured about a fifth of the expense from the street railroad, and paid for the remainder out of current revenues.

A good appearance is as essential for a city as for an individual. Formerly, Galveston was a slattern, and a southern slattern at that — which is as far as language goes. For years the abutters had appropriated the walks in front of their places of business as a matter of course. In some cases, stands on city property were rented by abutters for as much as $30 a month. The sidewalks of a southern town, with their hen-coops and boxes, are untidy enough at best, but those of Galveston had exceeded precedent and example. Commissioner Austin instituted a campaign, and cleaned them thoroughly. There was, of course, active protest from the interested parties, and generous threats that the Commissioner would suffer at the next election. But the walks were cleaned. And incidentally, the threats did not prove serious to Mr. Austin at election time.

The lighting of the streets has constituted another striking change — not to be estimated in dollars and cents alone. Nine thousand dollars a year — as has been shown — has been saved in this department by better management and cheaper supplies. The lights have been placed where they belonged. In the days of the ward aldermen they were distributed through the wards according to the dictation of the aldermen. The section of the wharves, in the meanwhile, had been left unlighted. Every year there was a regular loss of life by the drowning of sailors and longshoremen who had gone stumbling off in the darkness into the harbor. The Commission, in rearranging the lights, have found sufficient to place about the wharves. This has meant a noticeable decrease in the loss of

life, and it has meant also — as good street lighting must always mean — a decrease, clearly important, though, of course, elusive of calculation, in vice and crime.

All this has been accomplished on the streets in the past, all expenses being paid from current revenue. For the future there has been under consideration a plan which — even if never realized — is worth giving, as illustrative of the broad way in which the city's affairs are managed. If the city's assessed valuation increases as much in the next few years as is expected, the plan is to issue a million dollars' worth of bonds and pave the principal streets of the city at once, after the finishing of the grade raising. The city would immediately have the advantage of the great development which such a move would inevitably mean. The sum is not large looked at from the standpoint of the greatest cities, but for Galveston, with her debt and her small valuation, it is very great indeed. This plan may never be carried out, but the consideration of it shows the manner in which a far-sighted and businesslike city government may act, and its influence, not only for the present but for the far future.

The Emergence from Medievalism

The financial success of the water department has already been spoken of. Commissioner Lange, who is jealously devoted to his work, has stimulated income in every way, and by his careful management the operating expense has been kept down to practically what it was before the Storm. The city is turning from the use of the cistern — the queer, huge wooden tubs, which in the old days collected all the inhabitants' water-supply from their roofs — to the city's mains. The growth of the sewers is also calling for a continually increased use of water. These sewers, also under Mr. Lange's charge, are now being rapidly extended through the place. Before the Storm the city had been sewerless, except for a system owned by a private company in the business center. Just before the Storm this private sewer was bought by the city. The task of the Commission has been to provide as early as possible for the residence section. The raising of the grade gives for the first time a slope across the flat sand island on which the city is situated, suitable for easy drainage into the bay. The Commission has extended the sewers from eight to eighteen miles. In a few years the entire residence section will be covered by the system. And in the meanwhile the city is having its health regulations severely enforced.

The importance of the health department in a southern city — especially a seaport — needs no advertisement. The heat, the carelessness of sanitary precautions, the ships that drop in across the sea from the filthy tropics, with their chance cargoes of tropical disease — these dangers speak for themselves. Before the Commission there was no health department worthy the name. Shiftlessness was chronic. The kind-hearted aldermen and officials saw to it that no one need be clean unless he cared for that sort of thing. Under the new board, the work was taken up by Dr. C. W. Trueheart — a Virginian by birth, an old confederate soldier, with the prim, old-fashioned gray mustache and goatee of the period of the War: a stern and military disciplinarian. He is seventy now. "I wished," he says, "to show my appreciation, before I died, of the city which has given me my home and living through my active life." He has paid his obligation splendidly. A strictly trained force inspects and carries through the cleansing of the city. Records of real value are kept — they are insisted upon, by prosecution of Galveston's physicians, if necessary, and day and night war is waged on that ruler of the tropics and subtropics — the insect, especially the yellow fever mosquito. Dr. Trueheart has been through half a dozen yellow fever epidemics. He has had the disease himself; he is one of the few persons who have had it twice. And he is a crank on it; he says so himself. He was the attendant on the first case in the great yellow fever epidemic of 1867 — a disaster second only to the Storm — in which 1,100 people lost their lives; and was almost ostracized at first for his diagnosis of the disease. There are no epidemics of yellow fever in Galveston now. Three cases came in on steamers last year. They were taken in screened ambulances to a screened ward in the hospital, where Dr. Trueheart himself attended them. The steamers were fumigated and brought to dock. That was all. There was not even alarm, although the health physician, according to his policy, promptly took the public into his confidence. The yellow

fever mosquitoes have been hunted out of Galveston, so far as human agencies can hunt them. "They breed where you can get at them always," says Dr. Trueheart. "The *Stegomyia fasciata* is as domestic as a barnyard fowl." The cisterns are screened, the stagnant water drawn off, the cesspools regularly cleaned and treated with chemicals. And with the mosquito has gone the common house-fly, killed, to a large extent, at its breeding places. There is not only protection from yellow fever; there are fewer deaths from typhoid and diphtheria. With her water supply, her new sewers, and her health department, Galveston is emerging from conditions of medievalism to the status of a modern city. She is not only administered economically; she is a place where men and women are leading longer, better, and happier lives.

Galveston, in short, is now beginning to reap the results of five years of clean, able city government. She was desperate and bankrupt; now her credit is good. She was unclean; now she is clean; she was a town of vice and license; now she is orderly. Unpaved streets are well paved, there are good sewers where formerly there were none, there is an ample water supply in increasing use. The city is protected from future danger from flood. But good government has meant more than its direct service to the city. It has meant indirectly industrial and commercial prosperity. Property which fell dead, with no buyers, after the Storm, has regained its former value, and in sections has exceeded it. In two years more, when the grade raising is cleaned up, a much larger increase will undoubtedly take place. The city is prospering in a business way as it never did before. The fine beach and Sea Wall are being rapidly developed to entertain the growing excursion trade with a big amusement village. But most important of all, the shipping from the port is increasing tremendously. It has trebled since 1900, and Galveston is now the second city in the United States in point of the value of its exports. The government of the town did not, of course, cause all of this growth; but the conditions it brought about were a great factor. For good government is not merely a mechanical, routine, negative thing; it is a strong, positive agent, which takes hold on the far future in any city which is fortunate enough to possess it.

The Commission and the People

The story of the Galveston Commission cannot stop, however, with the simple statement of methods and results. There remains another question — a very important question — to be considered: The attitude of the people of Galveston. It is the prevalent fashion to find common cause for all forms of civic misfortune in the indifference of the individual citizen. The doubt immediately arises: Do the citizens of Galveston appreciate their government, or is the Galveston system, started with the impulse of a great public need, destined to pass down by gradual degrees to that region of chaos and despair where, according to current belief, all good governments are ultimately bound to go? The answer to this is best given by a little history of Galveston elections.

Fortunately, the better and worse elements divide themselves quite clearly in Galveston politics. The place is, of course, strongly Democratic: so strongly that it would be idle for the Republicans to nominate a ticket in city elections. In the earlier days municipal candidates and factions arose out of the single party, largely through personal ambition. Since the reform year of 1895, however, the division in city contests has been along a different line. In that year the Good Government Club was formed, which — continued since under other names — has brought out for the better class of citizens a municipal ticket of their own. Broadly speaking, the city elections, since 1895, have been fought out between the citizens who want clean administration and the politicians and their followers. The Citizens' Club has been a most important influence in the reforms and political progress of Galveston. It has taken the disagreeable task of campaigning entirely out of the hand of the candidates, an arrangement which has had much to do with the success of the city in securing its high class of officials.

Under the old form of government the City Club — as it is now called — had a period of hard work at election time. In 1899 it lost its mayor, and nearly lost control of the aldermen. But there has never been a question of success since the inauguration of the Commission system. In 1901, the first election, there were only two members of the board to be chosen by the people —

three, including the mayor, being nominated by the Governor of Texas, according to the provisions of the original charter. In that first contest the miscellaneous opposition divided a little over 20 per cent of the votes between them. In 1903, the criminal courts of Texas having declared the nomination of commissioners by the Governor to be unconstitutional, all the members of the board were elected for the first time. There was a hot campaign against the administration that year, with a full ticket. It was a waste of strength, for the opposition polled only 24 per cent of the total vote. In 1905 the politicians took another course. They put up but two candidates, and made a desperate effort to defeat V. E. Austin, commissioner of streets, and A. P. Norman, police and fire commissioner, who were thought to have been made unpopular by the conduct of their departments. This move was still more unsuccessful, the two opposition candidates averaging only 21 per cent of the total vote. In all these commission elections the campaigning has been distinctly on one side. The bookkeeping of the City Club shows this excellently. In 1899, when the club's mayor was defeated under the old system, its expense was $1,200. In the three commission elections the average cost has been $350.

But figures do not tell the whole of any story. In Galveston the present sentiment of the people must be considered. It may be had from the first man you run across in the street. "This government," says the Man on the Street, with approval, "gives us our money's worth." This sentence means more than it says: much more than many a high and rolling advertisement of patriotism. It means that the citizen of Galveston understands that the business of the city is his own, and is watching it. It means that there is in Galveston to-day the most powerful motive in the world for good government — the normal, healthy selfishness of the individual citizen opposed continually to the craft and greed of the exploiters of the community. And it is the new form of administration which made this possible.

The Normal City Government

After all is said, a city is primarily a business body: a great coöperative association for the transaction of community business. Through it the individual corporator — the citizen — buys a great variety of things — ways of travel, water, light, education, health, protection from vice and violence. Through it he now sells, or should sell, the great rights and franchises — transportation, lighting, electrical communication — which the community has made so immensely valuable. A host of vital considerations — moral, mental and physical — depend upon the proper conduct of this community work; but if it is conducted properly, every function of the organization is carried out as it should be. Naturally, any successful type of municipal government must recognize these facts.

The present form of city government in the United States has been a failure since its first adoption three-quarters of a century ago. It was not framed as a city government in the first place; it was simply the system of the national government transferred bodily to the city. Fifty years of changes and repairs have not adapted it to its use. It is still radically wrong. It cannot act simply and directly, because it was fashioned to be complex and slow. It cannot be clear-cut and responsible, for it was intended continually to divide responsibility. It cannot represent the will of the city, because its strongest body represents the ward — the most vicious political unit in our democratic government. It is folly to expect efficient administration from this machinery. A thousand unsuccessful attempts at reform show it.

Everybody Knows the Police Chief — Who Knows an Alderman?

For the Galveston Commission, it may be said that it is a small, responsible, business-like body, thoroughly representative of the city. It produces results quickly, it produces the proper men to do its work, and — perhaps greatest of all — it produces the normal relation between the citizen and his government. A citizen is interested in good streets, in good lights, in good water, in efficient protection from vice and crime — in short in good municipal service. He observes and thinks naturally along those lines every day of his life. Every child in a city knows the fire chief and the police chief and the superintendent of schools. Who knows an alderman? Do you? If so, how many; and do you know enough about them to really vote intelligently? The

citizen of Galveston knows every commissioner of a department. He has an intelligent opinion of him, for he judges him by his work, which is before his eyes continually. This one feature is the greatest corrective to bad politics conceivable. It compels the citizen to choose by service, and not by political prejudice or affiliation. He will vote for good service, because it is his selfish interest to do so.

It would be rash to say that the Galveston form of government would be the exact form of future city government in the United States. It must very evidently be adjusted to conditions in other cities. The number of commissioners may have to be increased, though — as has been found by corporations — there is a distinct limit to the setting off of departments, formed by the business itself. In the case of the city's administration it is not likely that it would be of advantage to have more than seven or, at most, nine departments. It may not be necessary to have more than five. Another adjustment will be that in the greatest cities it will be necessary for the commissioners to give all of their time to the work. Cities up to 200,000 in population can probably secure the best government from commissioners who give only a part of their time — as in Galveston. Cities over that can easily afford to pay for the best managers obtainable in competition with other great corporations. The chief object is to get the proper class of men. The small city can secure them in one way, the larger in another, and both can certainly find them in their own populations.

But all this is not important; details for other municipalities can easily be worked out. The question is simply one of principle. Is an elective commission, composed of department heads, the proper form of government for the American city? There will be active objection to it, of course. It will be urged at once that it gives too great a concentration of power. But such concentration is not nearly so hazardous as is being made upon the mayor, under recent practice. There may be bad commissions elected, as there may be a bad mayor. But there is only one fifth the danger in the Galveston Commission of electing a ruling authority entirely bad. For so long as one honest man remains on the board — with its intimate methods of transacting business — just so long is there a guarantee against great exploitation of the community.

Precedents — The New England Selectmen

The burden of proof must be on this new machinery, of course, but with some reservations. It must be remembered that commission government is not entirely new. Several American cities have tried it successfully in the past. For several centuries it has been a world-famous success in the management of the American town — for the New England selectmen are nothing more nor less than a commission of three, chosen at large and operating by majority vote, like the Galveston board. Moreover, in one great essential feature — the centralization of power in a single body — the commission is far closer to the English city government, than is the present city government in America. All this must be remembered and considered in the discussion of the Galveston plan.

The record of the new system in Galveston is certainly plain and unmistakable. There can be no question of its success. Whatever is to be its future, it deserves immediate consideration. City government has gone rotten in the United States; it has become a foul thing. This is no little matter. One dollar out of every ten we earn — we dwellers in the city — is taken over by a city official. We do not realize it, but it is so. But beyond and above all that, in other, bigger things, the administration of the city grips our lives like the great fates — happiness and health and future generations. Must we keep it still in the hands of the inefficient, the dull, or the criminal; or is there in this new system a means for representing at last the will of the people in the government of the city? As the citizens' committee of Galveston, asking for its new charter, said in its public address to the Legislature: "It is a question with us of civic life or death."

TAMMANY'S TITHES

BY

HARVEY J. O'HIGGINS

AUTHOR OF "THE STEADY," "IN LOVER'S MEETING," ETC.

ILLUSTRATED BY W. GLACKENS

AT this time of night, the street was as quiet as a creek run dry — with nothing to recall the day's turbulent flow of traffic except its empty bed of paving-stones worn smooth. Over the black walls of the warehouses, a moon hung like the frosted globe of an arc-light in the slope of a high sky. Below it, a procession of street lamps, marching down the deserted sidewalks, had halted two by two along the gutter-edge; and under the light of one of these, Patrolman Feeny was planted foursquare on the corner bend of the curb, straddling his shadow, with his head down.

He was motionless — as motionless as a bull that is about to charge.

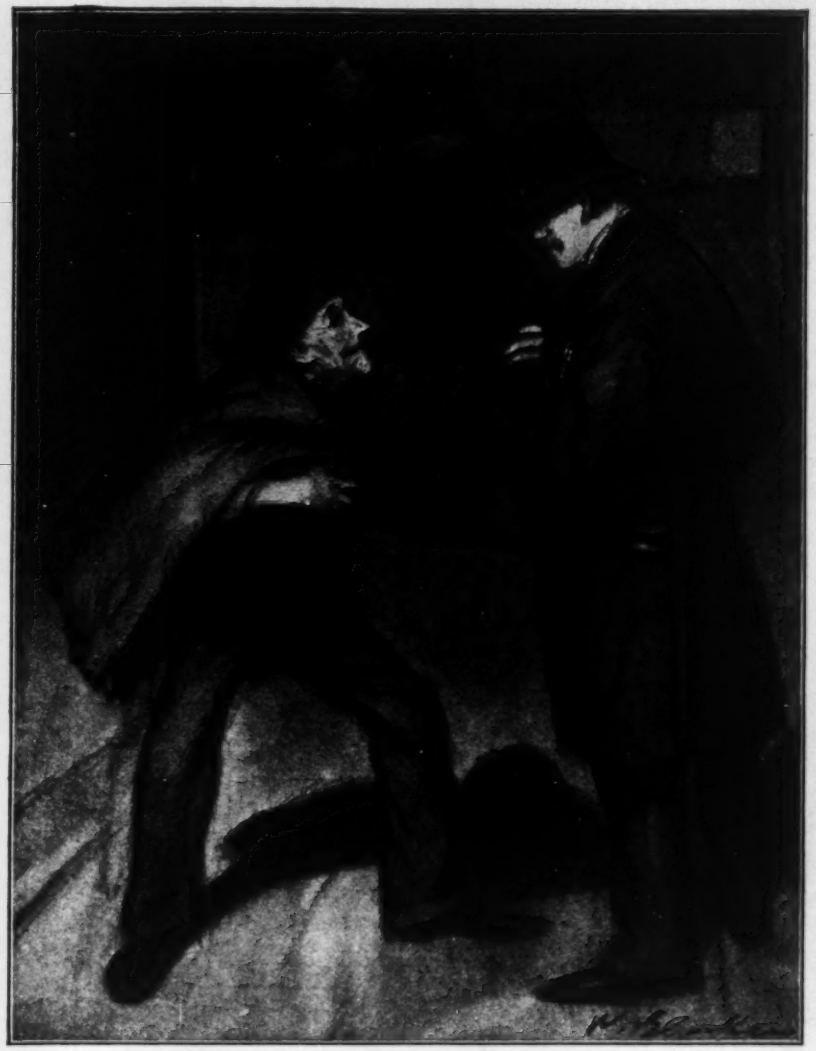
He had recently been transferred to this precinct from a station-house in Harlem, because he had refused to buy the privilege of remaining conveniently near his home. Still more recently he had been called before the Deputy Commissioner on a baseless charge of being off post, and had been fined two weeks' pay. Finally, he had just been warned that he would continue to be so transferred, fined, and generally persecuted until he gave up the twenty-five dollars that was required of him. And he was glowering at the gutter here, his chest tight with a suppressed wrath, ready for all impossible revolts.

Or were they impossible? The elections were coming on. The Citizen's Union was making "police graft" the great issue of the campaign. He could give some evidence that would be worth hearing; and if he made Tammany his enemy forever, he would make all respectable folk his friends. There were other ways of earning a living besides this walking the beat, weren't there? A man had a right to call his soul his own, hadn't he? He wasn't owned by a lot of dirty grafters who could shake him down every time they wanted money, was he? Not by a —— !

He raised his head defiantly — his big bullock head. He wasn't going to pay them for his right to earn an honest living. Not by a good deal! If he had to leave the department, he'd go. He could get along. He had saved a little bank account out of his salary. He could get a job somewhere.

He could get a job — for that matter — on the tunnel work, as night-watchman — like old Joe.

The thought was flashed on him by the sight of old Joe's lanterns further up the street, where the red lamps of a tunnel digging burned in the solitude like the signals of a deserted railway yard. They reminded him that it was time old Joe had his coffee;



"'I'm Vinny Doyle . . . . *Me!*'"

and he started up the flagstones to relieve the friendly watchman, his shadow now shouldering along determinedly before him, now following doggedly behind.

An iron shutter creaked somewhere in the wind; the blazing windows of a trolley car floated silently across the distant head of the street; a manhole was steaming in the gutter. For the rest, he was the only thing that made sound or motion.

When the red lights were still a block away, he saw "old Joe" doddering down to meet him, muffled in a yellow horse-blanket which he had doubled over his shoulders for a cape. He had a teamster's cap drawn down to his eyes. Under the peak of it, his old black pipe protruded, smokeless, as usual, for he generally sucked it cold.

"All right," Feeny said gruffly. "I'll look out till yuh get back."

The old man stood to stopper his pipe with a hooked finger. Feeny turned him round with a hand on the shoulder, and they went along together.

The watchman coughed feebly. "I seen two dips goin' yonder to the baths," he said: "the Turkish baths. They'll be out fer no good to any one, d'yeh think?"

Feeny grunted; he did not reply.

"It's none av *my* business, that's true enough," the watchman muttered. "I thought yeh'd want to know."

"I don't care a curse if yuh seen all the crooks o' the Bowery," Feeny growled.

The old man stiffened in his step. "Eh? Eh? What's that now? What's that yeh're sayin'?"

Feeny took him by the elbow. "Come on," he said. "I'm sore. They've been poundin' me — up to Headquarters. No offense, Joe. No offense. They've been tryin' to shake me down . . . An' by —" he broke out, clenching his gloved fist before him, "I won't stand fer it. I'll fight 'em on it. I'll squeal on the whole lay-out. I will, s'welp me! I will!"

"Tsh, man, not so loud," the watchman cautioned. "What is it? Squeal, d'yeh say? Are yeh goin' to fight Tammany Hall?"

Feeny thudded his fist into his open palm. "I am!"

The watchman struck down at his hands with a passionate blow that knocked them apart. "Niver! Niver!" he cried. "Are yeh crazy, man? Niver try that. Niver, niver! Hear what I tell yeh." He had caught Feeny by the sleeve and clung to him. "Hear what I tell yeh." He dropped his voice. "They'll crush yeh like a toad . . . the way they did me." His old loose lips, set in between the heavy wrinkles that fell from his nose, writhed out the words in a hissing whisper. "The way they did me!"

Feeny took a long breath. "What's the matter? What ails yuh?" He had been startled.

The watchman pushed up the peak of his cap. "Did y'iver hear av Vinny Doyle?"

Feeny shook his head. "Doyle? What Doyle?"

"Yer father'd 'a' knowed." He tapped the patrolman twice on the broad chest. "I'm Vinny Doyle." He drew back. "*Me!*"

The strong light of an electric lamp above them shone in his face. It was the blur-eyed, bone-nosed, gray face of senility, grooved and hollowed. A three days' beard had covered his chin with a growth as fine and white as a mold. His stretched neck was shrunken to the sinews. There were tears in his eyes.

"Vinny Doyle!"

Feeny backed him into the shadow of a doorway.

"Here, Joe," he said, "have a swig out o' this"; and fumbled in his coat tails for a flask.

The old man pushed him away. "Not me! My head's as clear as 't iver was . . . I know . . . I know what yeh're thinkin' "— He passed his hand over his worried forehead. "Wait, now. Wait till I tell yeh . . . Vinny Doyle! . . . It's a name on a gravestone, that."

Feeny stepped out to reach an empty barrel plastered over with theater posters. He rolled it into the doorway. "Sit down," he said, and waited, frowning.

The old man sat down weakly. He sighed and shook his head. In a little while he sighed again. "D'yeh mind 'Big Six'?" he said. "Old 'Big Six'? — Tweed's 'Amercus Six'?"

Feeny did not understand.

"The fire injun — the big one — the double-decker."

"I guess that was before *my* time," Feeny said.

"Sure enough, it was . . . Sure enough . . . Well, well. . . . I ust to run with her, an' fight with her . . . An' Bill Tweed? Yeh mind Bill Tweed?"

"I mind when he died in Ludlow Street Jail," Feeny answered patiently.

The old man chuckled. "He did that. He did that. . . . But this was thurty years befoore — down in th' injun house in Hinry Street — whin he was foreman av No. 6 — an' there was Conny Duffy an' Dandy Pipe an' all the lads an' me."

He threw back the corner of his blanket, and went through his gaping coat pocket for a match. "D'yeh mind," he said softly, "d'yeh mind how Duffy 'd sing 'Red Robin' — er 'Th' Angil's Whisper'— an' us sittin' 'round in the dark — an' the light leakin' out av the cracks in th' old stove — an' the wood that was blazin' in it, stole over Grigg's back fince the night befoore! . . . My, my, how Duffy cud sing. Did y'iver hear the bate av him?"

Feeny had been stooping down to listen. He straightened up now, filled his cheek with a ball of fine cut, and leaned back against the door-post.

The watchman wagged his head. "Niver the bate av Conny Duffy to sing — an' Butcher Sleeman to fight — till *I* wint at 'm barehanded, in the bunkroom, an' pounded his faytures into a mince. An' after that I was 'Banty' Doyle, the 'Tirror av the Tigers,' no less — an' me two eyes blue-black fer a week. 'Yeh're a beauty,' Molly says to me. 'So I am,' says I. 'But I'm a plaster

cast to yer frien' Butch Sleeman,' I says. 'I come to tell yeh he won't be 'round to see yeh fer a month.'

"We wint off to Niblo's Garden that night, togither, Molly an' me."

He was smiling, meditatively. "Molly was a great gurl — a great gurl. But she wanted all the fun av coortin' an' none av the trouble that begins whin the coortin' inds, an' she kep' me an' Butch prowlin' 'round there, spittin' an' spattin' the like av a pair av tom-cats on a fince, till we splitted the comp'ny into two halves with our fracshuns. An' whin Tweed run fer Alderman from the Sivinth, we both woorked to see which cud woork the hardest — an' Tweed wint in, with a toorch-light percession an' a hill av a jambaree — an' I got me job in the Coort House — an' Butch got a plintiful promise av big things to be."

Feeny snorted. "It's a dirty game, politics. They're a gang o' fakers."

"It's like iv'rythin' ilse," the watchman replied. "It's what we makes av it. But it takes big men to play it big, an' the little men it makes little shysters." He reached out his black claw of a hand. "Man alive, if we Irish had the men to lead us! If we had the men! We stick to such as we have — we vote fer thim, an' fight fer thim, an' believe in thim whin iv'ry one ilse is peltin' thim with pursecutions — an' by G—, they chate us, an' sell us, an' laugh at us — *laugh* at us! — till some one ilse sinds thim to jail fer stealin' from us! An' even *thin* do we give thim up? No, sor! 'Tis the curse av loyalty that's on us — the curse av loyalty. I mind the day whin I'd've bit off me thumb fer Bill Tweed, an' I ——"

"What'd he do to yuh?" Feeny cut in.

"He done me dirt. He done me dirt." He gulped. "Wait, now. I'll tell yeh. Lind me the loan av a match."

His hand shook as he took it. When the dottle of his pipe was glowing again, he went on, hoarsely: "Yeh mind, in thim days, the fire comp'nies was a sort av military, too? Well, I was the best shot av the Young Americus Guard. An' whin we'd p'rade home from a target excoorsion — an' that was a clam-bake er a chowder party, 's the case might be — there'd be a big buck nigger at the head av us with the wooden target slung 'round his neck, an' somewheres about the middle av that butt there'd be *my* mark, now, yeh cud be sure av that . . . That's how I come to jine the Zouaves — th' Ellsworth's Zouaves — the 'Pet Lambs' they called us — whin the war bruk out. I wint to pot holes in the ribils, an' Sleeman, that cudn't no more than hit a side av beef with his fat fist, he stayed to home, sure enough.

"An' he was the wiser man, but Hivens! there was 'liven hunderd av the boys enlisted from the fire-houses in three days, mind yeh! An' Sleeman must've been as cold-blooded as one av his own steaks to've stud the whoop that carried us all in.

"I wint to Molly. An', 'Molly,' I says, 'I'm off to Washin'ton. I've jined,' I says.

"'Jined?' says she, lookin' at what she saw in me face. 'Jined what?' An' her hand was gone limp where I held it.

"'I've listed with the boys,' I says. 'We're goin' to difind Washin'ton.' An' with that she gave a little grunt, like some one'd hit her in the wind, an' she come into me arms sobbin' so I cud feel her shakin' under me hand.

"She was a fine fat girl, as soft as feathers.

"'Faith,' I says, 'if I'd knowed this, now, I'd niver 've done it. 'Tis worse an' better than I thought,' I says. 'But look yeh now,' I says. 'I'm only sworn fer three months,' I says, 'an' if yeh'll marry me now, I'll be back in July to yeh.'

"'Twas takin' advantage av the poor gurl, I know. But we done it. I married her with her eyes wet. An' 'twasn't the las' time they were so — ner mine nayther — God hilp us!"

A rubber-tired coupé bowled past them, carrying the wreck of some midnight dissipation to the Turkish baths around the corner. Feeny spat solemnly and changed the leg.

"God hilp us!" the watchman said. "We marched off that day — the twilft' av April — like we was goin' on another clam-bake down the Bay — with the crowd whoopin', an' the band bleatin', an' us the bully boys! — down Canal Street to th' ol' 'Baltic,' that was lyin' where we'd ust to catch eels, many's the time — long, yellah-bellied eels — an' bat thim on the head fer supper . . . My, my. Little we thought! Little we thought!"

Feeny cleared his throat. "Did yuh serve all the war?"

"I did not — the worse luck! I got no further than Bull Run . . . We sailed down to Washin'ton an' wint into quarters

"'the room full av thim pounced on me — an' some one grabbed the gun — an' it wint off in his grip'"

there. An' we toorned out to a fire that was burnin' nex' to a big hotel. I mind that well . . . An' thin we were shunted here an' shunted there fer months, an' there was nothin' but the divilmint av the boys till we wint to the front cheerin' to wollop the ribils.

"What happened I dunno, fer right to the start av it, I got a bullet in me right arrm — here!" He stretched out his deformed wrist. "An' while I was huntin' fer a doctor, all the boys came runnin' back through the woods on top av me, cursin', an' weepin', an' talkin' to thimsilves — an' the sight av thim scared the soul out av me, an' I tied mesilf up in a han'kercheef an' run till the groun' lifted up an' bumped into me — an' that's all I rimimber fer a week."

He shook his head. "'Twas a bad bus'ness. 'Twas that."

Feeny grunted.

"An' whin I heard the doctors talkin' — er thought I did — I was not in me right mind, no doubt — talkin' av cuttin' off me arrm at th' elbow, I says to mesilf, 'No soree! If yez can't fix me togither, I know a man that can.' An' I slid out av hospital, an' crawled to the depot, an' the nex' thing I rimimber I was bein' bandaged be ol' Doc. McGrath right here in Cherry Street. But how I got there, no one niver cud tell."

Feeny coughed apologetically.

The old man hastened to add: "Anyways it made no matter. Me time was up, an' I was no good fer soldierin' with the hole in the hinge av me hand. Not a bit. Not a bit . . . Rot the pipe! Have yeh the makin's av a smoke about yeh, at all?"

"I've got a cigar," Feeny said, feeling in the breast of his overcoat.

The watchman sniffed. "What good's a saygar? Gi' me a pinch av yer chewin'. I'll smoke that."

Feeny passed him the package of fine-cut, and he filled a pipe-bowl that was burned as thin and jagged as the half of a broken egg-shell. He blinked his pathetic old hound's eyes at the flame of the match. When the tobacco had begun to fume and bubble rankly, he settled down with his elbows on his knees, and said: "Listen, now. I've come to the pint. Listen!

"When I got foot on the pavemints again, what d'yeh think I larned? — that Sleeman had me job in the Coort House — Butch Sleeman! — an' him givin' me the laugh! 'Faith,' I says, 'I'll fix *you*, me brave boy,' an' I wint to Tweed. An' he toorned me down! Toorned me down! . . . 'Yeh wint galivantin' off to the war,' he says, 'an' left yer frien's to fight out their own troubles here,' he says, 'an' now yeh can make good,' he says. 'Go an' make good,' he says.

"I looked at him, an', 'I'm a married man,' I says — an' I tried fer to say it meek, fer Molly's sake, the way av married men — 'I'm a married man,' I says, 'an' the wife's in trouble, an' there's the doctor to pay, an' the likes av that,' I says.

"He waved me off like a street beggar. 'That's none av my doin',' says he. 'Wait yer toorn.' An' with that, 'twas as if some one had pulled a trigger in me head, an' I burst out with a curse av Tweed, like yersilf here — jus' like! In thim days, *I* feared no man, nayther. I was young an' raised rough, with fires, an' fightin', an' the divil knows what. An' I dared Tweed to his face. 'I'll make good,' I says. 'I'll show yeh, niver fear. I'll show yeh,' I says. 'I'll show yeh!'

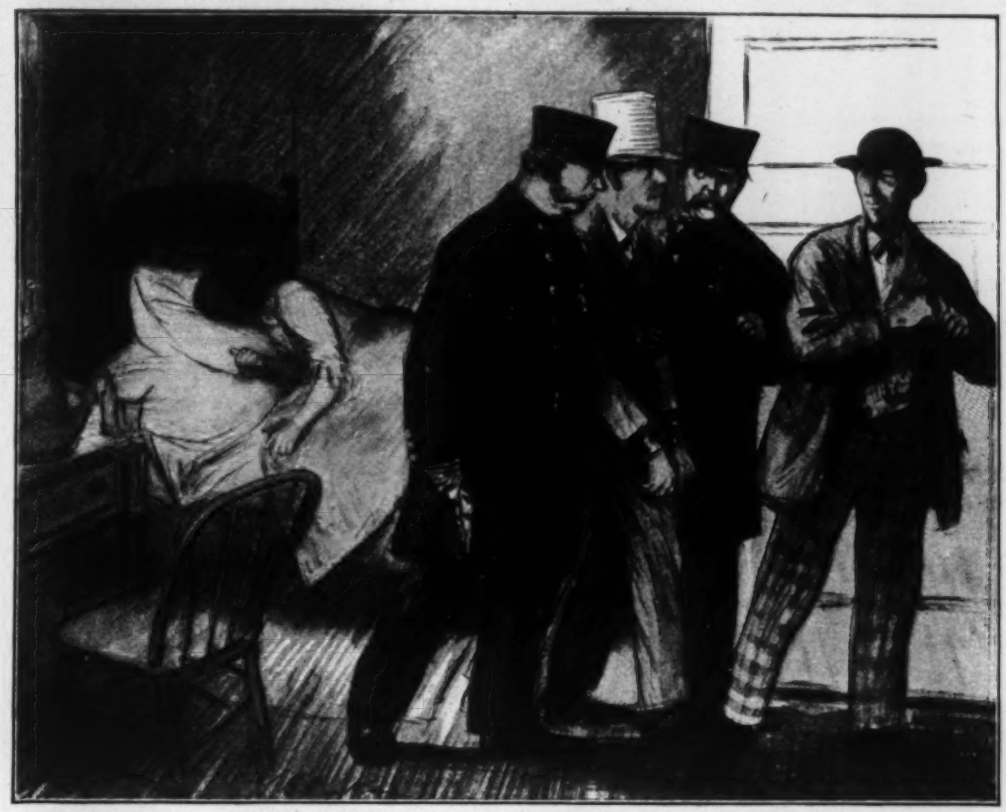
"An' I done it. I got Barney Coogan to promise he'd run again' Tweed's man fer alderman. I got a meetin' togither an' nominated him. I woorked fer four months in the ward, with me frien's — an' I had plinty — an' Tweed bein' busy with his own campaign fer sheriff, an' Coogan a pop'lar man — we got Coogan ilicted by the lin'th av his long ears, an' the boys av No. 6 swore they'd batter me to a pulp.

"Look yeh now. Here's what happened. I was so blown up with what I'd done, that one night I walked into a joint they called the 'Tiger,' to show the gang I was in no fear av *thim* — if I *had* raytreated all the way from Bull Run to Cherry Street, hot foot, as they 'd been sayin' durin' the iliction. Me arrm was in a sling, but I had a pistol in m' other pocket, an' I strode up to the bar an' ordered me drink like a loord. An' whin I toorned on me elbow, there they sat watchin' me, quiet, like so many circus cats in a cage. An' I knew, thin, I'd done wrong.

"There was no word said, but one av thim got up an' slid too'rds the door, an' whin I started backin' on it, whippin' out me shooter, the tables wint over with a leap — an' the room full av thim pounced on me — an' some one grabbed the gun — an' it wint off in his grip — an' through the smoke I saw Butch Sleeman open his big mouth an' clutch at a splatter av blood on his throat an' go down with a gurgle!

"The bullet had took him fair in the neck, an' bruk his spine. He was starin' dead whin they picked him up off the sawdust, an' I dropped the gun an' run fer dear life.

"I was with Molly whin the police caught up to me — waitin' fer thim — sittin' on the side av the bed, an' Molly propped up with the pillows, in her night-clothes — waitin' fer thim . . . I mind the ruffles on 'round her neck, an' all . . . Niver a word she'd said, but jus' screamed whin I'd told her — an' caught hold av me hand, an' held to it, dumb, like dyin' . . . She sat up whin they come in, stiff an' starin', an' her lips as white as her teeth, breathin' hard. An' whin I kissed her good-by, she didn't take her two big eyes off thim, an' the sweat was drippin' off her face like water . . . I cudn't speak. Me voice was dried up in



"'An' that was the last I iver saw av Molly'"

me throat . . . An' that was the last I iver saw av Molly."

He dropped his hands between his knees and stared out at the white street. "The last I saw av Molly . . . They swoore I'd walked into the 'Tiger' an' had words with Sleeman an' pulled out me gun an' shot 'm. One after th' ither, they got up an' swoore to it — the whole gang — Tweed's gang. An' they told av th' old inmity between us two, an' how Sleeman had took me job from me. An' they had the gun with the chamber impty, an' the broken bullet. An' they had *me*, like a man in a dream, listenin' an' watchin' till the cold crep' up from me feet, an' me heart toorned over an' died inside me."

He licked his lips. "They sintinced me to prison fer life."

Feeny swore a great oath. "That — Tweed!"

"No!" he cried., "No! 'Twas not Tweed. Little need had *he* to do it. 'Twas done fer 'm be the toads that wanted to get right with 'm. There's the danger! Whin yeh fight Tammany, yeh fight all the thaves, an' liars, an' jail-burds that do the dirty work without bein' told — in the hopes av what they'll get fer it. Yeh'll fight Tammany, d'yeh think? The dogs that live off Tammany's leavin's, *they're* the ones yeh'll fight, Feeny. An' God hilp yeh!" He reached his hands up over his head. "God hilp yeh, fer yeh'll need it. It's me that knows — me that's laid awake nights holdin' mesilf down in me bed to kape from leapin' at the bars like a wild-cat — me that's been buried alive these thurty years, a livin' corpse — me that's lost wife, an' child, an' frien's, an' fam'ly — all lost, Feeny, all lost!" He broke into sobs, his old toothless mouth trembling and distorted, the thin tears streaking the hollow of his cheeks. "Me! The husk av a man! Me that dare not go into a crowd — that dare not so much as inter a departmint store — fer the fear av what might happen to drag me back to me cell! Out on commuted sintince fer good conduc'! All the life wrung from me, drop by drop, an' the dried rind av me thrown

out here in the gutter! Take yer lesson here, Feeny. Take it here, fer it's bitter teachin' yeh'll get from *thim!*"

Feeny took off his helmet and wiped his forehead. The old man sank down on himself exhausted.

"At first I thought 'twas all done be way av just frightenin' me — that after a month er more some one 'd come foorth an' clear me, an' I'd go back to Molly contint to have no more to do with Tweed, ner Tammany, ner any other . . . Thin Molly died, an' the child after, an' she ust to come to me like, at nights — with the ruffles 'round her neck, an' all, an' her black hair pinned up the way she ust to pin it up fer bed — an' we'd whisper an' talk low togither fer fear the guards 'd hear us . . . Well, well, 'twas years since — years an' years since. I was half crazed, no doubt.

"She wint, like iv'rythin' ilse. Molly wint. I dunno how ner why. An' I kep' writin' fer pardons — writin' — an' talkin' to this one an' that one — year in an' year out . . . I was 'Trusty' av 'Millionaires' Row,' as they called it; an' they all promised to hilp me whin they'd get out — Jawn Y. McCabe an' Biff Ellis an' all the rest. An' some one hilped me, no doubt; fer Guv'ner Roosevelt commuted me sintince to fifty-five years, an' I got twinty-two off fer good conduc', an' here I am . . . Here I am."

There followed the silence of despair — the old man hunched up on his barrel, gazing at nothing and sucking on his cold pipe — and Feeny standing with his jaws set, blinking at the red lights in the road.

"What'll I do, then?" he said at last. "What'll I do?"

"Ay," the watchman answered, "what *can* yeh do? What can *one* man do to right what we've all av us made wrong, an' our fathers befoore us? We must make oursilves right first, Feeny, an' we can't do that. 'Tis in the nature av us — deep, deep! 'Tis like Jawn Y. McCabe that was sint up the river fer falsifyin' his register lists — an' I've seen him readin' his Bible in his cell iv'ry mornin', an' niver cud he see that he'd done wrong — niver! . . . 'Tis our nature to folly the man an' niver the principle — to love and hate onreasonin' — to be all heart an' no head!" He put his pipe in his pocket and rose stiff-kneed. "'Twill all come right some day, whin we're dead an' gone, mebbe — but nayther through you ner me, Feeny — nayther through you ner me." He muffled himself in his horse-blanket. "Kape yer eye on thim planks a jiffy," he said huskily. "I'm goin' 'round the corner to get a dish av tay."

Feeny watched him go. The silence closed in behind the shuffling footsteps. The distant murmur of traffic was no more than the breathing of a city asleep. And Nicholas Pascal Feeny was alone with the curse of his kind.

He took off his gloves. He tucked them into his belt. He drew a roll of bills from his pocket, counted off Tammany's tithe, and put it inside the sweat-leather of his helmet to have it handy. Even so!

SALUTO!

BY

A. E. HOUSMAN

THE street sounds to the soldiers' tread,
And out we troop to see:
A single redcoat turns his head,
He turns and looks at me.

My man, from sky to sky's so far,
We never crossed before;
Such leagues apart the world's ends are,
We're like to meet no more;

What thoughts at heart have you and I
We cannot stop to tell;
But dead or living, drunk or dry,
Soldier, I wish you well.

From "A Shropshire Lad"

SENATOR WHITESIDE AND MILES FINLEN

Finlen and Marcus Daly worked together on the Comstock for day wages. They were old comrades

THE STORY OF MONTANA

BY

C. P. CONNOLLY

SUMMARY OF IMPORTANT EVENTS IN MONTANA POLITICS FROM 1894-1896

ILLUSTRATED WITH PORTRAITS

THOUGH Daly was defeated in the capital fight, he scored a significant victory in the next State Democratic Convention, 1896, when all Clark's candidates for office were defeated. Clark then retired from the field for two years, and when he returned to Butte in the summer of 1898 to begin his second campaign for the senatorship, his following in the convention of his home county, Silver Bow, had dwindled to five delegates. At this convention thirteen Democratic candidates for the legislature were nominated, and of these Clark could not hope to control one. He therefore formed an open alliance with the Republican party in his own county, and made a bitter fight on the whole Democratic ticket, of Silver Bow County.

Clark shrank from another struggle for the senatorship. The cost of campaigning in Montana was very distasteful to him. "He is a close business man," said former Governor Hauser, one of Clark's witnesses before the United States Senate, "and he

doesn't like to 'let go.' He usually wanted to know how much money he would have to put up before he went into the race. I told him that instead of spending his money on pictures and palaces, he ought to spend it in Montana, where he had made it." — EDITOR.

III

SENATOR WHITESIDE'S EXPOSURE OF CLARK'S ATTEMPTED BRIBERIES—CLARK PREPARES TO BUY THE MONTANA LEGISLATURE OUTRIGHT

THE campaign of 1898, preceding the legislative session which sent Clark to Washington, was ominous, and the election was made memorable by murder and attempted fraud. On November 8th the mining districts of Butte came down with their unfailing Daly majority. Precinct Number Eight, one of the strongholds of the Daly faction, lay half way up the hill, across the railroad spur that shunted the ore from the Never-Sweat and Anaconda mines. At about half-past four on the morning of November 9th the judges of this precinct were droning off the tallies when the door of the lonely, candle-lighted booth was suddenly thrust open and two men, wearing white masks, burst in and ordered judges and tally-men to throw up their hands. Dennis O'Leary, an unarmed special officer, grappled with the first man, and John J. Daly, one of the election clerks, sprang to his assistance. O'Leary was seriously wounded, and John Daly was shot dead. One of the judges threw himself across the ballot-box as Daly fell, and the assassins dashed through the door and disappeared in the darkness. They were never brought to justice, though a reward of $10,000 was offered for their apprehension. John Hannifan, a witness at the coroner's inquest, testified that the hands of the assassin were small and white, and that on his left hand he wore a diamond ring. In the ballot-box which they had come to take, were 302 votes for the Daly-Democratic ticket, and 17 for the Clark-Republican ticket. The destruction of these ballots would have elected the Clark legislative ticket.

When all the returns were in, Clark's election to the Senate seemed out of the question, and Daly immediately went East and spent the winter in New York.

Heroic Figures of the Old West

The gathering of the clans at Helena on the eve of that critical senatorial election, was a pulse-stirring and memorable sight. The hotel lobbies were thronged with men who had won their spurs in the adventurous days of the old West. The wealthy banker, shaking hands with his old friends who have come in from distant parts of the State on the evening trains, is the man who used to drive bull-teams across a thousand miles of treacherous prairie. He pulled up before Bill Germayne's "Clipper Shades" on the Christmas eve of '65 with a train-load of provisions that saved the famine-stricken camp and netted him a fortune. Over in the corner, chatting with the erect, grizzled veteran in military garb, is Bob Daniels, who ran the gauntlet of the Nez Percé trail in '64, and rode into Last Chance Gulch at the head of a caravan of flour which he sold at $100 a sack, cleaning up $100,000 in a week. In the center of that animated group, under the main cluster of lights, is John X. Biedler, the Indian fighter, who wears the scars of a score of desperate battles and who is entertaining the crowd about him with droll stories of the outlaws and Vigilantes, and legends of the pioneers. Just to his right, intently listening, is shrewd Bill Devlin, who sold the Spotted Horse mine to an English syndicate for $10,000,000. There, in the Clark camarilla, is Dick Riddle, who used to drive the four-horse stage up Daylight Gulch, past Bummer Dan's cabin, amid the cheers of armed, rough-clad men awaiting news from their old homes in the States. Beside him is Charlie Perkins, the Vigilante, who pulled the rope on "Dead-Horse Gallagher" over on Sleeping Child Creek in '63. That man of alert, well-poised figure is F. Augustus Heinze, aged twenty-eight — expert miner.

orator, and professed Bohemian; a gambler in fortunes, and the most unconcerned, uncompromising, and resourceful foe the "Standard Oil" ever sought to crush. Here comes the burly form of Miles Finlen, who knew Marcus Daly on the Comstock, when they were both poor. He was working for day-wages a year ago, and he has just cashed in on a lease of one of Daly's mines, and has half a million in bank.

Leaning beside the clerk's desk — the man with the wavy mustache, pinching an unlit cigar between his teeth — is Billy Buskett, the original of Eugene Field's "Pen Yann Bill."

Finally, that small, shrinking figure with the full beard and piercing eyes, is William A. Clark himself — whose income from one mine alone is $1,000,000 a month.

The clean-shaven, freshly groomed men who form in groups about the corridors, are the members of the legislature; some from the cow counties and some from the mining camps.

The big, sun-tanned, muscular men whom you see on every hand are mostly cattle-men, who ride the plains with their cow-boys in the spring and fall round-ups, and spend their winters down the street at the Montana Club, in friendly games of chance where the stakes are heavy.

These men were all here in the days when no questions were asked about anybody's past. They all left histories behind them — some clean and others dubious. They are all on an equal footing here, and great men — by the standards of copper and gold, cattle and sheep. You may jostle elbows with them, sit at their tables, drink their wine — but unless you can write your check for six figures, their nightly poker games are no place for you, and you cannot aspire to political honors without their passports, properly viséd by their authorized lieutenants.

The buzz of eager, low-voiced conversation in the corridors rises at times almost to a roar. Elevators fly up and down, discharging one load and receiving another. Bell-boys are hurrying to and from the bars, carrying champagne coolers in either hand. Telephone bells jingle incessantly; hurried appointments are made, and strange invitations are sent out to stranger midnight festivities. The world is moving fast here, and State history is about to be made. Into the fierce hours that are dawning, the thwarted ambition of one man will leap with an almost savage determination to attain its end, and these men, now so confident of themselves and so eager to enter the conflict, are to fall back besmirched and discredited when the hour of frenzy has passed, to face again the changeless standards by which, sooner or later, men are judged.

JOHN X. BIEDLER

The Indian fighter, one of the heroic figures of the old West

Clark's Preparations Did Not Daunt Daly's Followers

Immediately after the popular election in the fall, Clark had made up his mind to buy his way into the United States Senate, and his plans were carefully laid. He had subsidized most of the newspapers in the State, and many of the press correspondents at the capital. Scarcely a line could reach the outside world that was not subject to his censorship. He had taken up his headquarters at the Helena Hotel, and across the hall from his rooms were those of his son, Charles

W. Clark, and his legal advisor, John B. Wellcome.

Charles W. Clark was then a young man of twenty-six, a graduate of one of the great Eastern universities. He was tall and thin, with a striking pallor of countenance and a manner somewhat effeminate. He had inherited a certain political sagacity, had wide experience in the uses to which money might be put, and was largely responsible for the ultimate success of the plan to debauch the legislature. "We will send the old man to the Senate or the poorhouse," was his way of stating it.

John B. Wellcome, Clark's principal fugleman at Helena, was also his leading Western counsel. He was a good lawyer, a man of likable personality, generous and good-natured, and completely wrapped up in Clark's success. He had friends everywhere and had many among the Daly following. He had never been prominent in politics, but was looked upon as the advisor whom Clark most frequently consulted in legal matters. He was the sort of man who, if he were so disposed, would be likely to do successful business in the underground passages that lead to the private offices of high officials. He was mild and affable, shrewd but uncritical. Ordinarily judicious, he became, in his dealings with members of the legislature, thoroughly reckless.

Half way up the hill, across from the United States Assay Office, stood the old Merchants' Hotel, remodeled and furnished for the use of the legislature pending the erection of the new State Capitol. The legislature opened on January 2, 1899. The night before, January 1st, the Daly junto had scored by electing Henry C. Stiff, of Missoula, as Speaker of the House over E. C. Day, the Clark candidate.

The air, from the first day of the session, was charged with rumors of bribery. It was openly proclaimed that W. A. Clark had $1,000,000 to invest in a seat in the United States Senate, which meant about $20,000 a vote for the necessary majority. The first eight days of the session were without striking incident, but quivered with the undertow of plot and counterplot. The balloting for senator was to begin on January 10th. Because of Daly's past adroitness, every one believed that Clark would not win his end without a desperate struggle, and though Daly himself was absent, the grim silence of his followers threatened a burst that would drive Clark and his friends to the dugouts and cyclone cellars.

On the Sunday night preceding the Tuesday on which the balloting was to begin, the Clark leaders gave a banquet at which they announced that they had secured fifty-four votes, more than a majority, for the first ballot. The next day, the 9th of January, one of the members of the House, speaking in his place, referred to the current rumors of bribery, and moved the appointment of a committee to investigate them. The motion was carried over the protest of the Clark leaders. Similar action was taken in the Senate, and a joint committee was appointed, with power to send for witnesses and to administer oaths.

This committee met that night in a house on the outskirts of the city, and the testimony of four witnesses was taken. They were Fred Whiteside, State senator from Flathead County; Henry L. Myers, senator from Ravalli County; William A. Clark,* senator from Madison; and Congressman Albert J. Campbell.

Whiteside Determines to Expose Clark

The central figure in the exposure of Clark's bribery of the Montana Legislature, was Fred Whiteside. He had been a political partizan of Clark, had worked for him in his campaign against Carter, and had never formed any affiliations with the Daly party, which he had repeatedly opposed in State conventions.

Whiteside was thirty-six years old at the time of the exposure, and his record was a good one. Twenty years before, when the cattle-men wished to exterminate the buffalo, Whiteside, then a lad of sixteen, was shooting bison on the Montana plains for a living. Later, he studied architecture and mechanics and constructed a number of important buildings in the State. In 1896 he was a member of the House of Representatives, and was appointed one of a committee to investigate corruption in the State Capital Commission. This committee found it "inconvenient" to call certain damaging witnesses and reported favorably to the Commission. Whiteside filed an adverse minority report, for the suppression of which he had

* Senator Clark of Madison County, although sometimes called Clark's namesake, was not a relative of the great mine-operator. This coincidence of name caused some confusion throughout the session, and gave Miles Finlen an opportunity to create a dramatic moment during the last ballot of January 28th.

been offered $2,500. The legislature accepted the majority report by a close vote, but Governor Smith deposed Walter M. Bickford, one of the commissioners, and accepted the resignations of the rest. The grand jury, called to investigate the work of the deposed Commission, reported that "It was through Representative Whiteside's efforts that the misconduct of the Capital Commission was first discovered and exposed."

From the opening of the legislative session of 1899, Bickford, now one of Clark's lieutenants, distrusted Whiteside, having already come up against the man's courage and energy. Clark himself, however, seemed to have every confidence in Whiteside, who was an invaluable man in rounding up legislators. He was peculiarly a man of action, reserved and intense, who did not know the meaning of caution, much less of fear. Having once decided to fight the power which was sapping the legislature, he was willing to pay the cost. For weeks he went about the streets of Helena with his pistol in his overcoat pocket, and at night his hand was usually in the pocket beside his weapon.

On the afternoon of January 9th, after the committee of investigation had been appointed by the legislature, Whiteside was at the Warren Hotel, in his apartment, the two rooms of which were divided by heavy portières. In one of these rooms he was whispering to State Senator Myers of Ravalli County, the information that the investigating committee would meet that night, and on the following morning would turn over to the legislature $30,000 which had been entrusted to Whiteside by John B. Wellcome for the purpose of purchasing the votes of Myers, State Senator Clark, and Representative H. H. Garr. While Whiteside was talking, an intimate friend of his entered the outer room and overheard enough of this conversation to gather its import. He lost no time in telling what he had heard to a third party, who hastened to Charlie Clark and revealed the fact that there was a plot afoot, refusing, however, to divulge names, but mentioning $30,000 as the amount of money that would be turned in to the legislature the next morning.

The Clark forces held a consultation. They concluded that Bickford's suspicion of Whiteside was well-founded, and that he had betrayed them.

Whiteside had repeatedly heard it said by members of the Clark party that the man who betrayed them would never live to be rewarded for his treachery. He had carefully prepared a written statement covering every detail of the plot he had set out to expose, and had sealed it and handed it to a friend who was in his confidence, saying that if anything happened to him the whole story would be found in this envelop. He had deposited the $30,000 in one-thousand-dollar bills in the safe-deposit vault of the Union Bank & Trust Company of Helena, taking two keys; one of these he kept, and the other he placed in the hands of Congressman Campbell. But on the afternoon of the Monday on which the investigating committee had been appointed, he went to the deposit vault, secured the four envelops containing the money, and repaired with them to his room in the Warren Hotel. Here he removed one of the drawers of the chiffonnier, turned it upside down, and with carpet tacks carefully tacked the envelops under the bottom of the drawer, after which he replaced it.

STATE SENATOR WILLIAM A. CLARK

Senator Clark of Madison County, although sometimes called Clark's namesake, was not a relative of the great mine-operator. This coincidence of name caused some confusion throughout the session, and gave Miles Finlen an opportunity to create a dramatic moment during the last ballot of January 28th

Whiteside Confronted and Accused by Charlie Clark

At about nine o'clock that night, while Whiteside was in the lobby of the Warren Hotel, Charlie Clark came in. His face, always pale, was now dead-white, and his lips were strangely compressed.

"I want to see you," he said to Whiteside. Whiteside invited him to his room, but Clark motioned in the direction of the street. They went outside. Across the street was an undertaking establishment, and in the shadow of this building stood four men. Clark walked toward this group, and Whiteside followed. There was something in the rigid outline of the figures that portended evil. Whiteside had a six-shooter in each overcoat pocket, and his hands sought his weapons.

"What is the matter?" asked Whiteside, as he approached the silent group of men, Charlie Clark two feet ahead of him.

FRED WHITESIDE

State Senator from Flathead County, "the central figure in the exposure of Clark's bribery of the Montana Legislature"

"We want to see you," was the cold reply from Wellcome. "Come down this way and we'll tell you." The six men walked down the street to the office of the *Independent*, a newspaper owned by John S. M. Neill. They walked through the outer business office into a back room. The down-stairs portion of the building was deserted. All the men took seats except Whiteside and Ben Hill. Whiteside stood in the doorway with his foot pressed against the door to keep it open, and Ben Hill, a burly fellow who had killed a man at Granite some years before, stood behind him, outside the door. Wellcome was spokesman; the others were silent. Wellcome told Whiteside they had heard that he was going to "peach," and they were certain of the truth of the rumor because the amount of money they had entrusted to Whiteside tallied exactly with the amount they heard was to be turned over to the legislature the next morning. Wellcome said in so many words that if Whiteside was about to play the traitor, he would never leave that room alive.

Whiteside talked against time. There was something in the attitude of the men that spoke more grimly than Wellcome's threat. Whiteside told them that the rumor was not true; that he did not have the $30,000 in his hands now, and they knew it — that Wellcome himself knew it was in the safe-deposit vault of the Union Bank at that moment — and as he said this, Whiteside gave Wellcome the key. He reminded them of the important services he had performed — how he had revealed to them every particle of information that he thought might possibly be useful to them. He adroitly attempted to cast suspicion on others. He talked in this strain for thirty minutes. Growing bolder as he proceeded, and scanning closely the faces of his hearers, he finally said: "But you have struck the wrong man if you believe this story is true and think any threats will faze me."

"You have misconstrued my remark," said Wellcome, half convinced; "I didn't mean that as a threat. But if there's anything in this rumor," and his voice dropped to a pleading tone, "for God's sake, stop right here. We don't care about the money. We'll give you ten times that much rather than have you do this. Besides, if you intend to do anything of this kind, we will see that W. A. Clark withdraws his candidacy to-night, and his declination will be published in the papers in the morning."

"You are utterly mistaken," replied Whiteside. "There is no better friend of W. A. Clark in the legislature than I am."

"I believe Whiteside is telling the truth. I am willing to trust him," said Charlie Clark.

"You will find you are not mistaken, Charlie," said Whiteside.

Whiteside then said that he was afraid of the Daly crowd, and asked if he could borrow a gun. John S. M. Neill took a revolver out of his pocket and handed it to him.

Clark's friends deny Whiteside's statement that any threat was used by Wellcome at this meeting.

The party looked after him with questioning eyes as Whiteside backed out of the doorway of the little office, and left the building.

Whiteside fairly ran to the house on the outskirts of the town where the investigating committee was then in session. The house had been selected secretly by the committee to guard against a possible raid from thugs in the employ of the Clark faction. These heelers and rounders were everywhere. The $30,000 that was then tacked to the bottom of the chiffonnier drawer in Whiteside's room was to be turned over to the committee that night. At about three o'clock in the morning, after the evidence of Whiteside and the other witnesses had been taken and subscribed, some of the committee proposed that the money be left with Whiteside until just before the legislature met that morning. Whiteside objected. He wished to be relieved of the money at once. The entire committee then walked into town and to the Warren Hotel. Four men who accompanied them had each two revolvers in their overcoat pockets. As they neared the hotel, a Clark man, standing on the corner, saw the committee with Whiteside and ran post-haste down the hill. No time was lost. Whiteside hurried the committee to his room, and the money was turned over to the chairman, Senator Anderson, of Meagher County, to whom a bribe of $25,000 had been offered for his vote earlier in the session. Anderson was protected by armed guards until he handed the $30,000 over to the legislature the next morning. By the time half a dozen Clark heelers arrived at the hotel, apprised by the man who had been on guard, the committee had vanished.

WALTER M. BICKFORD

Whiteside testified that Bickford was one of the most active agents in purchasing legislators

The next day was January 10th, the day which had been feverishly awaited since the opening of the legislative session, for then the balloting for United States Senator was to begin. Before the ballot was taken, however, the report of the investigating committee was called for, and the sworn testimony of Whiteside, Myers, State Senator Clark, and Albert J. Campbell, which had been given to the committee on the previous night, was read aloud before the joint session of the two houses. Whiteside's testimony was as follows:

Senator Whiteside's Testimony

"I have had various transactions with the senatorial candidates and their agents and others, from whom I have learned of the corrupt use that is being made of money in this senatorial contest, and if you will allow me, I will first state how I came to acquire this information. Six years ago I was in Helena during the senatorial contest, and I saw the corrupt methods that were practised at that time; also in the senatorial fight of 1895; and when I was elected to the Senate

last fall, I determined, if possible, to expose any one who should attempt such practices in this body.

"When I arrived in Helena ten days ago, I was looked upon by all the senatorial candidates as a fit subject for missionary work. I was approached by agents of all of them, but the representatives of W. A. Clark were the only ones that offered me any money. I apparently fell in with their plans and was soon on the inside. They told me all that was being done. They offered me $10,000 in cash, and a great deal more in promises. John B. Wellcome and Charles W. Clark were the managers, while their chief assistants have been A. J. Steele, William McDermott, and Walter M. Bickford. Besides the men I have named, they had a great many lieutenants with whom I did not come in contact.

CHARLES W. CLARK

Son of William A. Clark, who said: "We will send the old man to the Senate or the poorhouse"

"I have in my hands now $30,000 in currency, which I will turn over to the committee; $5,000 of this was paid to me by John B. Wellcome for my own services, and I will explain in detail how I received the rest of the money. I desired to get some proof besides the money and my own word, and as I had confidence in the integrity of State Senator Clark, of Madison County, I sent Congressman Campbell to him. They had a talk together, and Mr. Clark agreed to help me. I met him by appointment in Mr. Campbell's room in the Helena Hotel on the night of January 3d. I explained to him fully the part I wanted him to take, and then I saw Mr. Wellcome and told him that Senator Clark, of Madison County, could probably be bought. Mr. Wellcome authorized me to offer him $10,000, and the next time I saw Wellcome, which was the next day, I told him that Clark would accept it.

"About nine o'clock on the evening of January 4th, I met Wellcome in the lobby of the Helena Hotel, and he asked me to bring State Senator Clark and fix the matter up. We three went up to room 201, and Wellcome placed ten one-thousand-dollar bills in a large envelop and sealed it up. State Senator Clark put an endorsement on it, and they gave it to me to hold until the senator should fulfil his part of the agreement, which was that he was to vote for W. A. Clark, of Butte, for United States Senator whenever they wanted him. If he voted as agreed, I was to give him the money, whether W. A. Clark was elected or not.

"I talked the senatorial situation over with Charles W. Clark, Wellcome, and others, very often. We discussed the different members, and they told me of the members who had been bought and others with whom they were negotiating. Wellcome said, 'every man who votes for Clark is to be paid, and the man who votes for him without being well paid is a fool.' They gave me the names of the members whom they claimed had been bought, and the amounts which had been paid or put up for them. These amounts ranged from $5,000 to $10,000. They claimed to have bought about an equal number of Republicans and Democrats, but they would not pay over $5,000 for Republicans.

"At the request of Wellcome and Charlie Clark, I approached Senator Myers, of Ravalli County, but not in the way they intended. They authorized me to offer him $10,000. I talked the matter over with Senator Myers, and he agreed to help me make the exposures. I afterwards saw Wellcome and told him that Myers would accept the $10,000. He asked me to take Myers up into a room in

the Helena Hotel, and said he would meet us with the money. This was about seven o'clock of the evening of January 7th. I took Myers to the room, and then went to Wellcome's room, but instead of going to see Myers with me, he gave me the money and asked me to fix it with Myers. I went to Myers and counted out the $10,000 and put it in an envelop and sealed it. Mr. Myers then signed his initials on the back of it. I took the envelop and showed it to Wellcome. The understanding was that I was to keep the money until Myers voted for Clark, when I was to turn it over to him.

Clark Expected to Use a Million

"There seemed to be no end to the supply of money. I think they expected to use nearly $1,000,000, and, as near as I can judge, they have already paid out about $200,000. A considerable portion of this money was absorbed by the second lieutenants who handled it. Some of it was paid to members, but the larger portion of it was deposited with third parties, to be held in escrow.

"They ran short of money several times, because large-sized bills were hard to get. Most of it was in one-thousand-dollar bills, some in five-hundreds, and some in fifties and one-hundreds. Wellcome said that W. A. Clark had instructed them to go in and win, no matter what it cost. They generally paid $500 or $1,000 down, and the balance was paid into the hands of a third party, to be paid to the member after he had given his support to Clark. The payment was not contingent on Clark's election.

"I also talked the matter over a number of times with Representative H. H. Garr, of Flathead County. He said that he had been offered money, and I advised him to tell them that he would take it and to have them place it in my hands. He went up to see Wellcome in his room on Sunday, January 8th. When he came down he said Wellcome had promised to place the money in my hands the next day.

"The following day I saw Wellcome in his room, and he gave me five one-thousand-dollar bills for Garr. It was at this time that he gave me the $5,000 for myself. As soon as I received the money, I went down and took Garr into another room, put the $5,000 into an envelop and sealed it, and had Mr. Garr sign his initials on the back. I also put the $5,000 which I received for myself in an envelop and sealed it and put my initials 'F. W.' on the back of the envelop.

"I do not think W. A. Clark knew all the details, but he knew in a general way what was being done by Wellcome and the others, for in talking over the different members with me, he spoke of Senator Anderson, of Meagher County, and said that he could not be influenced with money like some of the other members.

"I did not consult with any one about going into this thing, but did it entirely on my own responsibility. I wanted to catch every man who was concerned in such work, and my object was to break up the band of boodlers that has so long infested this State. State Senator Clark and Senator Myers helped me for the sole purpose of making this exposure, and not for any hope of gain or reward for themselves."

Panic Among the Clark Forces

The testimony of Henry L. Myers and State Senator Clark corroborated Whiteside's story throughout. State Senator Clark swore that when his $10,000 was given to him, Wellcome had taken him to another part of the room under the pretext of calling his attention to an engraving that hung on the wall, and had then handed him the money.

The tense excitement which prevailed during the reading of this report no one who was present will ever forget. The guilty looked into one another's eyes and felt the terror of the thing. Some rushed to their friends and begged them to save their reputations. Others stood in mute consternation.

When the clerk held up the handful of Government notes, consisting of twenty-seven one-thousand-dollar bills, five five-hundred-dollar bills, and five hundred dollars in smaller denominations, making the total of $30,000, the spectator could have heard a thistle-down roll up the aisle of the House.

After the report of the committee was read, State Senator Whiteside rose in his place and spoke upon his own evidence. He said in part:

"Men of apparent respectability and good standing in this community are trafficking in the honor of members of this body as they would buy and sell cattle and sheep. They have gone into this senatorial contest as they would enter into a government contract

JOHN B. WELLCOME

One of the most active members of the Clark faction. He entrusted $30,000 to Whiteside for the purpose of purchasing three votes for Clark

to furnish horses. What new code of morals or of ethics has been discovered which makes of bribery a virtue, and condones the crime of a man because he is rich?"

"I know there is a sentiment in this community which favors the election of W. A. Clark to the United States Senate by fair means or foul. I know that the course I have pursued will not be popular, but so long as I have life, I propose to fight the men who have placed the withering curse of bribery upon this State. I had rather go back to the carpenter's bench where I learned my trade, and spend the rest of my days in toil and obscurity and be able to hold my head erect and look the world in the face, than be a party to the condonation or the knowledge of this crime unexposed. The man who is weak will come out of this contest infamous, while he who is strong will emerge from it sublime. What has become of the men who were bribed in the legislature of 1893? Shunned by their fellow-citizens, spurned by the very scoundrels who caused their downfall. This contest between two men has already culminated in murder in Precinct Number Eight in Silver Bow County, and the life of the man is not safe who dares to oppose the element that committed that crime. My own life has been threatened, but I defy the men who have made the threat; for, when weighed against honesty and honor, life has no value; and if this be the last act of my life, it is well worth the price to the people of this State."

The joint session dissolved. The spectators in the galleries remained, hushed and motionless, while the senators, with strained eyes and compressed lips, filed through the aisles and across the lobby to the Senate. No one who was present at that scene can ever forget it.

Representative Stephens, of Missoula County, then introduced the following resolution, which was adopted unanimously:

"Resolved, by the House of Representatives, in joint assembly with the Senate, that the evidence submitted to the joint assembly by the joint committee of the Senate and House is *sufficient to convict the persons therein named of the crime of bribery in any district court of this State*, and therefore we request that the judge of the district court of the First Judicial District in and for the County of Lewis and Clark, call a session of the grand jury in said district to take up and examine into the matters stated in said report, as they would in any other case of alleged crime against the peace and dignity of the State."

Seven Votes for Clark on the First Ballot

When, after the reading of the report of the investigating committee and the adoption of the above motion, the first ballot for United States Senator was taken, Clark received three votes in the House and four in the Senate. It will be remembered that on Sunday night, two days before, the Clark leaders had boasted at their banquet that they had positive assurance of fifty-four votes for Clark on the first ballot.

This same legislative body which called for a grand jury to investigate the charge made against Clark, *within eighteen days elected him to the Senate of the United States.*

The grand jury was called on the following day, January 11th, by Judge Sidney H. McIntire, one of the judges of the district court, sitting at Helena, and began its labors on January 14th. A significant incident may be here noted. Judge Henry C. Smith presided over the criminal department of the district court at Helena, and in the ordinary course of events it was his province to call a grand jury. He was temporarily absent from the capital on the 11th, but was to return on the following day. Judge McIntire, however, immediately called the grand jury. McIntire's brother, a practising lawyer of Helena, was shortly afterward employed by Clark at a large salary. When asked in the Supreme Court on cross-examination in the Wellcome disbarment proceedings, what retainer he received, he demurred answering, and the Supreme Court protected him from divulging the amount.

Clark bowed to the storm. He stood that afternoon in the crowded lobby of the Helena Hotel, a crushed and broken man. He saw the mailed hand of the implacable enemy who pursued him with relentless fury. Daly himself was in New York, but politically he was ubiquitous, omnipresent. At every turn Clark met this Nemesis. It crept upon him in dark alleys under cover of the night, and pursued him openly in the highways. Clark's furtive eyes glanced into those of his son and of Wellcome, who stood with him in the little group from which the surging crowd in the lobby held sympathetically aloof. He saw there only the reflection of his own despair.

John S. M. Neill, A. J. Davidson, and A. J. Steele were already out, hurrying to telegraph offices and dashing off message after message, summoning to the capital every old-time friend Clark had in the State to save him from the collapse toward which his despondency was fast hurrying him.

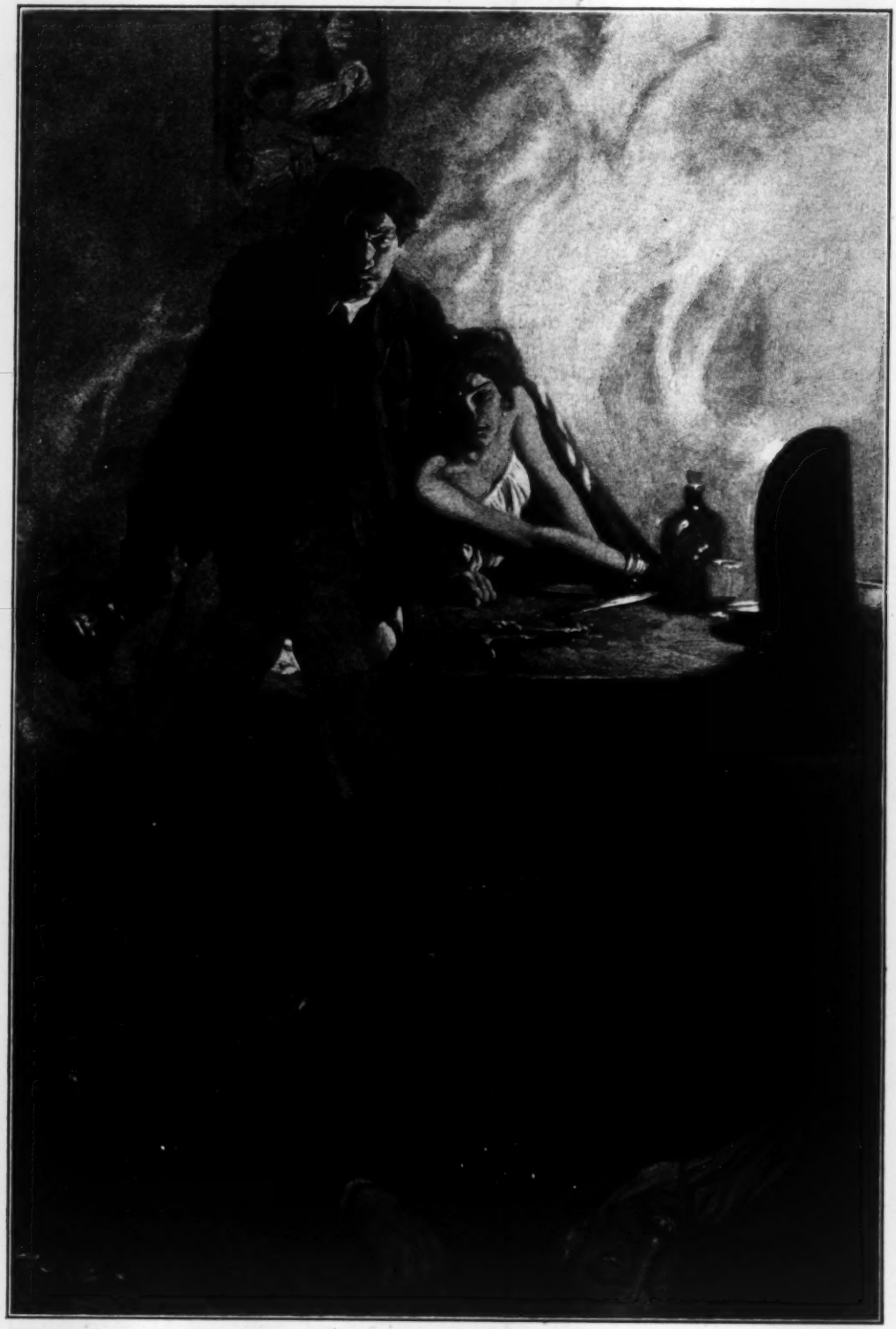
Clark himself was then incapable of constructive thought. But there were those about him now who had been trained in the Daly camp, who were resourceful in plan and adroit in execution. Why not, they suggested, proclaim this exposure a Daly plot? Why not declare that this $30,000 was Daly's money? The grand jury could be fixed, if the exits of the jury room were flooded with money. Let Whiteside, Clark, and Myers be indicted for conspiracy, let them be persecuted as defamers of character.

And Clark listened. A strength which he had never shown before now set his teeth and clenched his hands. He determined to test the power of money to the uttermost. He was ready to sell the fee-simple of his soul for election.

JOHN S. M. NEILL

One of Clark's staunch lieutenants. Whiteside was taken to Neill's office at night by others of the Clark faction and told that if he intended to betray the Clark interests he would not leave the room alive

The fourth instalment of "The Story of Montana" will explain how thirty-five members of the Montana legislature were bought at a total cost of $431,000, will picture the city of Helena demoralized by bribery, and will describe the dramatic session in which Clark was elected to the United States Senate.



From the drawing by Howard Pyle

"THE TALL MAN WAS LYING AT HIS FEET, HUDDLED HIDEOUSLY ON THE FLOOR"

THE SECOND-CLASS PASSENGER

BY

PERCEVAL GIBBON

AUTHOR OF "VROUW GROBELAAR AND HER LEADING CASES," ETC.

ILLUSTRATED BY HOWARD PYLE

THE party from the big German mail-boat had nearly completed its inspection of Mozambique. They had walked up and down the main street, admired the palms, lunched at the costly table of Lazarus, and purchased "curios" — Indian silks, Javanese knives, Birmingham metal-work, and what not — as mementos of their explorations. In particular, Miss Paterson had invested in a heavy bronze image — apparently Japanese — concerning which she entertained the thrilling delusion that it was an object of local worship. It was a grotesque thing, massive and shaped generously, weighing not much less than ten or twelve pounds. Hence it was confided to the careful porterage of Dawson, an assiduous and favoured courtier of Miss Paterson; and he, having lunched, was fated to leave it behind at Lazarus' Hotel.

Miss Paterson shook her fluffy curls at him. They were drawing towards dinner, and the afternoon was wearing stale.

"I did so want that idol," she said plaintively. She had the childish quality of voice, the insipidity of intonation, which is best appreciated in steamboat saloons. "Oh, Mr. Dawson, don't you think you could get it back for me?"

"I'm frightfully sorry," said the contrite Dawson. "I'll go back at once. You don't know when the ship goes, do you?"

Another of Miss Paterson's cavaliers assured him that he had some hours yet. "The steward told me so," he added authoritatively.

"Then I'll go at once," said Dawson, hating him.

"Mind, don't lose the boat," Miss Paterson called after him.

He went swiftly back up the wide main street in which they had spent the day. Lamps were beginning to shine everywhere, and the dull peace of the place was broken by a new life. Those that dwell in darkness were going abroad now, and the great saloons were filling. Dawson noted casually that evening was evidently the lively time of Mozambique. He passed men of a type he had missed during the day, men of all nationalities, by their faces, and every shade of colour. They were lounging on the sidewalk in knots of two or three, sitting at the little tables outside the saloons, or lurking at the entrances of narrow alleys that ran aside from the main street every few paces. All were clad in thin white suits, and some wore knives in full sight, while there was that about them that would lead even the

most innocent and conventional second-class passenger to guess at a weapon concealed somewhere. Some of them looked keenly at Dawson as he passed along; and although he met their eyes impassively, he — even he — was conscious of an implied estimate in their glance, as though they classified him with a look. Once he stepped aside to let a woman pass. She was large, flamboyantly southern and calm. She lounged along, a cloak over her left arm, her head thrown back, a cigarette between her wide, red lips. She, too, looked at Dawson — looked down at him with a superb lazy nonchalance, laughed a little, and walked on. The loungers on the sidewalk laughed, too, but rather with her than at Dawson.

"I seem rather out of it here," he told himself patiently, and was glad to enter the wide portals of Lazarus' Hotel. A grand, swarthy Greek, magnificent in a scarlet jacket and gold braid, pulled open the door for him, and heard his mission smilingly.

"A brass-a image," he repeated. "Sir, you wait-a in the bar, an' I tell-a the boy go look."

"You must be quick, then," said Dawson, "'cause I'm in a hurry to get back."

"Yais," smiled the Greek. "Bimeby he rain-a bad."

"Rain?" queried Dawson incredulously. The air was like balm.

"You see," the Greek nodded. "This-a way, sir. I go look-a quick."

Dawson waited in the bar, where a dark, sallow barman stared him out of countenance for twenty minutes. At the end of that time the image was forthcoming. The ugly thing had burst the paper in which it was wrapped, and its grinning bullet-head projected handily. The paper was wisped about its middle like a petticoat. Dawson took it thankfully from the Greek, and made suitable remuneration in small silver.

"Bimeby rain," repeated the Greek, as he opened a door for him again.

"Well, I'm not made of sugar," replied Dawson, and set off.

It was night now, for in Mozambique evening is but a brief hiatus between darkness and day. It lasts only while the sun is dipping; once the upper limb is under the horizon it is night, full and absolute. As Dawson retraced his steps the sky over him was velvet-black, barely punctured by faint stars, and a breeze rustled faintly from the sea. He had not gone two hundred yards when a large, warm drop of rain splashed on his back. Another pattered on his hat, and it was raining, leisurely, ominously.

Dawson pulled up and took thought. At the end of the main street he would have to turn to the left to the sea-front, and then to the left again to reach the landing-stage. If, now, there were any nearer turning to the left — if any of the dark alleys that opened continually beside him were passable — he might get aboard the steamer to his dinner in the second-class saloon with a less emphatic drenching than if he went round by the way he had come. Mozambique, he reflected, could not have only one street — it was too big for that. From the steamer, as it came to anchor, he had seen acre upon acre of flat roofs, and one of the gloomy alleys beside him must surely debouch upon the sea-front. He elected to try one, anyhow, and accordingly turned aside into the next.

With ten paces he entered such a darkness as he had never known. The alley was barely ten feet wide: it lay like a crevasse between high, windowless walls of houses. The warm, leisurely rain dropped perpendicularly upon him from an invisible sky, and presently, hugging the wall, he butted against a corner, and found, or guessed, that his way was no longer straight. Underfoot there was mud and garbage that once gulfed him to the knee, and nowhere in all those terrible, silent walls on each side of him was there a light or a door, nor any sight of life near at hand. He might have been in a catacomb, companioned by the dead. The stillness and the loneliness scared and disturbed him. He turned on a sudden impulse to make his way back to the lights of the street.

But this was to reckon without the map of Mozambique — which does not exist. Ten minutes sufficed to overwhelm him in an intricacy of blind ways. He groped by a wall to a turning, fared cautiously to pass it, found a blank wall opposite him, and was lost. His sense of direction left him, and he had no longer any idea of where the street lay and where the sea. He floundered in gross darkness, inept and persistent. It took some time, many turnings, and a tumble in the mud to convince him that he was lost. And then the rain came down in earnest.

It roared, it pelted, it stamped on him. It was not rain, as he knew it: it was a cascade, a vehement and malignant assault by all the wetness in heaven. It wiped, it stung, it thrashed; he was drenched in a moment as though by a trick. He could see nothing, but groped blind and frightened under it, feeling along the wall with one hand, still carrying the bronze image by the head with the other. Once he dropped it, and would have left it, but with an impulse like an effort of self-respect, he searched for it, groping elbow-deep in the slush and water, found it, and stumbled on. Another corner presented itself; he came round it, and almost at once a light showed itself.

It was a slit of brightness below a door, and without a question the drenched and bewildered Dawson lifted the image and hammered on the door with it. A hum of voices within abated as he knocked, and there was silence. He hammered again, and he heard bolts being withdrawn inside. The door opened slowly, and a man looked out.

"I've lost my way," flustered Dawson pitifully. "I'm wet through, and I don't know where I am." Even as he spoke the rain was cutting through his clothes like blades. "Please let me in," he concluded. "Please let me in."

The man was backed by the light, and Dawson could see nothing of him save that he was tall and stoutly made. But he laughed, and opened the door a foot farther to let him pass in.

"Come in," he bade him. His voice was foreign and high. "Come in. All may come in to-night."

Dawson entered, leading a trail of water over a floor of bare boards. His face was running wet, and he was newly dazzled with the light. But when he had wiped his eyes, he drew a deep breath of relief and looked about him. The room was unfurnished save for a littered table and some chairs, and a gaudy picture of the Virgin that hung on the wall. On each side of it was a sconce, in which a slovenly candle guttered. A woman was perched on a corner of the table, a heavy shawl over her head. Under it the dark face, propped in the fork of her hand, glowed sullenly, and her bare, white arm was like a menacing thing. Dawson bowed to her with an instinct of politeness. In a chair near her a grossly fat man was huddled, scowling heavily under thick, fair brows, while the other man, he who had opened the door, stood smiling.

The woman laughed softly as Dawson ducked to her, scanning him with an amusement that he felt as ignominy. But she pointed to the image dangling in his hand.

"What is that?" she asked.

Dawson laid it on the floor carefully. "It's a curio," he explained. "I was fetching it for a lady. An idol, you know."

The fat man burst into a hoarse laugh, and the other man spoke to Dawson.

"An' you?" he queried. "What you doing 'ere, so late an' so wet?"

"I was trying to take a short cut to the landing-stage," Dawson replied. "Like a silly fool, I thought I could find my way through here. But I got lost somehow."

The fat man laughed again.

"You come off the German steamer?" suggested the woman.

Dawson nodded. "I came ashore with some friends," he answered, "from the second-class. But I left them to go back and fetch this idol, and here I am."

The tall man who had opened the door turned to the woman.

"So we must wait a leetle longer for your frien's," he said.

She tossed her head sharply.

"Friends!" she exclaimed. "Mother of God! Would you walk abroad with your knives for ever? When every day other men are taken, can you ask to go free? Am I the wife of the Intendente?"

"No, nod the vife!" barked the stout man violently. "But if you gan't tell us noding better than to stop for der police to dake us, vot's der good of you?"

The woman shrugged her shoulders, and the shawl slipped, and showed them bare and white above her bodice.

"I have done all that one could do," she answered sullenly, with defiant eyes. "Seven months you have done as you would, untouched. That was through me. Now, fools, you must take your turn — one month, three months, six months — who knows? — in prison. One carries a knife — one goes to prison! What would you have?"

"Gif der yong man a chair, Tonio," said the fat man, and his companion reached Dawson a seat. He sat on it in the middle of the floor, while they wrangled around him. He gathered that the two men anticipated a visit from the police very shortly, and that they blamed it on the woman, who

might have averted it. Both the men accused her of their misfortune, and she faced them dauntlessly. She tried to bring them, it seemed, to accept it as inevitable, as a thing properly attendant on them; to show that she, after all, could not change the conditions of existence.

"You stabbed the Greek," she argued once, turning sharply on the tall man.

"Well," he began, and she flourished her hand as an *ergo*.

"Life is not spending money," she even philosophised. "One pays for living, my friend, with work, with pain, with jail. Here you have to pay. I have paid for you, seven months nearly, with smiles and love. But the price is risen. It is your turn now."

Dawson gazed at her fascinated. She spoke and gesticulated with a captivating spirit. Life brimmed in her. As she spoke, her motions were arguments in themselves. She put a case and demolished it with a smile; presented the alternative, left a final word unspoken, and the thing was irresistible. Dawson, perched lonely on his chair, experienced a desire to enter the conversation.

Both the two men were beyond conviction. "Why didn't you" — do this or that? the tall man kept asking, and his fat comrade exploded, "Yes, vy?" They seemed to demand of her that she should accept blame without question, and to her answers, clear and ready, the fat man retorted with a gross oath.

"Excuse me, sir," began Dawson, shocked. He was aching to be on the woman's side.

"Vot?" demanded the fat man.

"That's hardly the way to speak to a lady," said Dawson gravely.

The tall man burst into a clear laugh, and the fat man glared at Dawson. He flinched somewhat, but caught the woman's eye and found comfort and reinforcement there. She, too, was smiling, but gratefully, and she gave him a courteous little nod of thanks.

"I don't like to hear such language used to a lady," he said, speaking manfully enough, and giving the fat man eyes as steady as his own. "No gentleman would do it, I'm sure."

"Vot der hell you got to do mit it?" demanded the other ferociously, while his companion laughed.

The woman held up a hand. "Do not quarrel," she said. "There is trouble enough already. Besides, *they* may be here any moment. Is there anything to get ready?"

"But vot der hell," cried the fat man again. She turned on him.

"Fool! fool! Will you shout and brawl all night, till the chains are on you?"

"Your chains: you put them on us," the tall man interrupted.

She turned swiftly on him, poising her small head over her bare breasts with a superb scorn.

"Why do you lie?" she demanded hotly. "Why do you lie? Must you hide even from your own blame behind my skirts? Mother of God!" — an outstretched hand called the tawdry Virgin on the wall to witness — "you are neither man nor good beast — just ——"

The tall man interrupted. "Don' go on!" he said quietly. "Don' go on!" His eyes were shining, and he carried one hand beneath his coat. "Don' dare to go on!"

"Dare!" The woman lifted her face insolently, brought up her bare arm with a slow sweep, and puffed once at an imaginary cigarette. There was so much of defiance in the action that Dawson, watching her breathless, started to his feet with something hard and heavy in his hand. It was the idol.

"Thief!" said the woman slowly, gazing under languorous eyelids at the white, venomous face of the tall man. "Thief and —" she leaned forward and said the word, the ultimate and supreme insult of the coast.

It was barely said when there flashed something in the man's hand. He was poised on his toes, leaning forward a little, his arm swinging beside him. The woman flung both arms before her face and cried out; then leaned rapidly aside as a pointed knife whizzed past her head and struck twanging in the wall behind her. The man sprang forward, and the next instant the room was chaos, for Dawson, tingling to his extremities, stepped in and spread him out with a crashing blow on the head. The "idol" was his weapon.

The stout German thundered an oath and heaved to his feet, fumbling at his hip and babbling broken profanity.

Dawson swung the image and stepped towards him.

"Keep still," he cried, "or I'll brain you!"

"Der hell!" vociferated the German, and fired swiftly at him. The room filled with

smoke, and Dawson, staggering unhurt, but with his face stung with powder, did not see the man fall. As the German drew the revolver clear, the woman knifed him in the neck, and he collapsed on his face, belching blood upon the boards of the floor. The woman stood over him, the knife still in her hand, looking at Dawson with a smile.

"My God!" he said as he glanced about him. The tall man was lying at his feet, huddled hideously on the floor. The room stank of violence and passion. "My God!" and he stooped to the body.

The woman touched him on the shoulder. "Come," she said. "It's no good. It was a grand blow, a king's blow. You cannot help him."

"But — but —" he flustered as he rose. The emergency was beyond him. He had only half a strong man's equipment — the mere brawn. "Two men killed. I must get back to the ship."

He saw the woman smiling, and caught at his calmness. There was comprehension in her eyes, and to be understood is so often to be despised. "You must come, too," he added, on an impulse, and stopped, appalled by the idea.

"To the ship?" she cried, and laughed. "Oh, la la! But no! Still, we must go from here. The police will be here any minute, and if they find you —" She left it unsaid, and the gap was ominous.

The police! To mention them was to touch all that was conventional, suburban, and second-class in Dawson. He itched to be gone. A picture of Vine Street police-court and a curtly aloof magistrate flashed across his mind, and a reminiscence of evening paper headlines, and his mind fermented hysterically.

The woman put back her knife in some secret recess of her clothes, and opened the door cautiously. "Now!" she said, but paused, and came back. She went to the picture of the Virgin and turned its face to the wall. "One should not forget respect," she observed, apologetically. "These things are remembered. Now come."

No sooner were they in the gloomy alley outside than the neighbourhood of others was known to them. There was a sound of many feet plowing in the mud, and a suppressed voice gave a short order. The woman stopped and caught Dawson's arm.

"Hush!" she whispered. "It is the police. They have come for the men. They will be on both sides of us. Wait and listen."

Dawson stood rigid, his heart thumping. The darkness seemed to surge around him with menaces and dangers. The splashing feet were nearer, coming up on their right, and once some metal gear clinked as its wearer scraped against the wall. He could *smell* men, as he remembered afterwards. The woman beside him retained her hold on his arm, and remained motionless till it seemed that the advancing men must run into them.

"Come quietly," she whispered at length, putting warm lips to his ear. Her hand dropped along his arm till she grasped his fingers. She led him swiftly away from the place, having waited till the police should be so near that the noise of their advance would drown their own retreat.

On they went, then, as before, swishing through the foulness underfoot, and without speaking. Only at times the woman's hold on his hand would tighten, and, meeting with no response, would slacken again, and she would draw him on ever more quickly.

"Where are we going?" he ventured to ask.

"We are escaping," she answered, with a brief tinkle of laughter. "If you knew what we are escaping from, you would not care where. But hurry, always!"

Soon, however, she paused, still holding his hand. Again they heard footsteps, and this time the woman turned to him desperately.

"There is a door near by," she breathed. "We must find it, or —" again the unspoken word. "Feel always along the wall there. Farther, go farther. It should be here."

They sprang on, with hands to the rough plaster on the wall, till Dawson encountered the door, set level with the wall, for which they sought.

"Push," panted the woman, heaving at it with futile hands. Even in the darkness he could see the gleam of her naked arms and shoulders. "Push it in."

Dawson laid his shoulder to it, his arms folded, and shoved desperately till his head buzzed. As he eased up he heard the near feet of the menacing police again.

"You must push it in!" cried the woman. "It is the only way. If not ——"

"Here, catch hold of this," said Dawson, and she found the bronze image in her hands.

"Let me come," he said, and standing back a little, he flung his twelve stone of bone and muscle heavily on the door. It creaked, and some fastening within broke and fell to the ground.

Once again he assaulted it, and it was open. They passed rapidly within, and closed it behind them, and with the woman's hand guiding, Dawson stumbled up a long, narrow, sloppy stair that gave on to the flat roof of the building. Above them was sky again. The rain had passed, and the frosty stars of Mozambique shone faintly. He took a deep breath as he received the image from the hands of the woman.

"You hear them?" she said, and he listened with a shudder to the passing of the men below.

"But we must go on," she said. "We are not safe yet. Over the wall to the next roof. Come!"

They clambered over a low parapet, and dropped six feet to another level. Dawson helped the woman up the opposite wall, and she sat reconnoitering on the top.

"Come quietly," she warned him, and he clambered up beside her and looked down at the roof before them. In a kind of tent persons appeared to be sleeping: their breath was plainly to be heard.

"You must walk like a rat," she whispered smiling, and lowered herself. He followed. She was crouching in the shadow of the wall, and drew him down beside her. Somebody had ceased to sleep in the tent, and was gabbling drowsily, in a monotonous singsong.

"If they see us," she whispered to him, "they will think you have come here after the women."

"But we could say —" he began.

"There will be nothing to say," she interrupted. "Hush! There he comes."

Out of the tent crawled a man, lean and black and bearded, with a sheet wrapped around him. He stood up and looked around, yawning. The woman nestled closer to Dawson, who gripped instinctively on the bronze image. The man walked to the parapet on their left and looked over, and then walked back to the tent and stood irresolutely, muttering to himself. Squatted under the wall, Dawson found room amid the race of his disordered thoughts to wonder that he did not instantly see them.

He was coming towards them, and Dawson felt the bare shoulder that pressed against his arm shrug slightly. The man was ten paces away, walking right on to them, and looking to the sky, when, with throbbing temples and tense lips, Dawson rose, ran at him, and gripped him. He had the throat in the clutch of his right hand, and strangled the man's yell as it was conceived. They went down together, writhing and clutching, Dawson uppermost, the man under him scratching and slapping at him with open hands. He drew up a knee and found a lean chest under it, drove it in, and choked his man to silence and unconsciousness.

"Take this, take this," urged the woman, bending beside him. She pressed her slender-bladed knife on him. "Just a prick, and he is still forever."

Dawson rose. "No," he said. "He's still enough now. No need to kill him." He looked at the body and from it to the woman. "Didn't I get him to rights?" he asked exultantly.

She raised her face to his.

"It was splendid," she said. "With only the bare hands to take an armed man ——"

"Armed!" repeated Dawson.

"Surely," she answered. "That, at least, is always sure. See," she pulled the man's sheet wide. Girt into a loin-cloth below was an ugly, broad blade. "Yes, it was magnificent. You are a man, my friend."

"And you," he said, thrilled by her adulation and the proximity of her bare, gleaming bosom, "are a woman."

"Then," she began spiritedly; but in a heat of cordial impulse he took her to him and kissed her hotly on the lips.

"I was wondering when it would be," she said slowly, as he released her. "When you spoke to the German about the bad word, I began to wonder. I knew it would come. Kiss me again, my friend, and we will go on."

"Are we getting toward the landing-stage?" he asked her, as the next roof was crossed. "I mustn't miss my boat, you know."

"Oh, that!" she answered. "You want to go back?"

"Well, of course," he replied, in some surprise. "That's what I was trying to do when I knocked at your door. I've missed my dinner as it is."

"Missed your dinner!" she repeated, with a bubble of mirth. "Ye-es; you have lost that, but," — she came to him and laid

a hand on his shoulder, speaking softly — "but you have seen *me*. Is it nothing, friend, to have saved me?"

He had stopped, and she was looking up to him, half-smiling, half-entreating, wholly alluring. He looked down into her dark face with a sudden quickening about the heart.

"And all this fighting," she continued, as though he were to be convinced of something. "You conquer men as though you were bred on the roofs of Mozambique. You fight like — like a hero. It is a rush, a blow, a tumble, and you have them huddled at your feet. And when you remember all this, will you not be glad, friend — will you not be glad that it was for me?"

He nodded, clearing his throat huskily. Her hand on his shoulder was a thing to charm him to fire.

"I'd fight — I'd fight for you," he replied uneasily, "as long as — as long as there was any one to fight."

He was feeling his way in speech, as best he could, past conventionalities. There had dawned on him, duskily and half-seen, the unfitness of little proprieties and verbose frills while he went to war across the roofs with this woman of passion.

"You would," she said fervently, with half-closed eyes. "I know you would."

She dropped her hand, and stood beside him in silence. There was a long pause. He guessed she was waiting for the next move from him, and he nerved himself to be adequate to her unspoken demand.

"You lead on," he said at last unsteadily.

"Where?" she asked breathlessly.

He did not speak, but waved an open hand that gave her the freedom of choice. It was his surrender to the wild spirit of the Coast, and he grasped the head of the brass image the tighter when he had done it. She and Fate must guide now: it rested with him only to break opposite heads.

She smiled and shivered. "Come on, then," she said, and started before him.

They traversed perhaps a score of roofs enclosed with high parapets, on to each of which he lifted her, hands in her armpits, swinging her cleanly to the level of his face and planting her easily and squarely on the coping. He welcomed each opportunity to take hold of her and put out the strength of his muscles, and she sat where he placed her, smiling and silent, while he clambered up and dropped down on the other side.

At length a creaking wooden stair that hung precariously on the sheer side of a house brought them again to the ground level. It was another gloomy alley into which they descended, and the darkness about him and the mud underfoot struck Dawson with a sense of being again in familiar surroundings. The woman's hand slid into his as he stood, and they started along again together.

The alley seemed to be better frequented than that of which he already had experience. More than once dark, sheeted figures passed them by, noiseless save for the underfoot swish in the mud, and presently the alley widened into a little square, at one side of which there was a fresh rustle of green things. At the side of it a dim light showed through a big open door, from which came a musical murmur of voices, and Dawson recognized a church.

"The Little Garden of St. Sebastien," murmured the woman, and led him on to cross the square. A figure that had been hidden in the shadow now lounged forth, and revealed itself to them as a man in uniform. He stood across their way, and accosted the woman briefly in Portuguese.

Dawson stood fidgeting while she spoke with him. He seemed to be repeating a brief phrase over and over again, harshly and irritably; but she was cajoling, remonstrating, arguing, as he had seen her argue in that ill-fated room an hour back.

"What's the matter with him?" demanded Dawson impatiently.

"He says he won't let me go," answered the woman, with a tone of despair in her voice.

"The devil he won't! What's he got to do with it?"

"Oh, these little policemen, they always arrest me when they can," she replied, with a smile.

"Here, you!" cried Dawson, addressing himself to the man in uniform — "you go away. *Voetsaak*, see! You mind your own business, and get out."

The officer drawled something in his own tongue, which was of course unintelligible to Dawson, but it had the effect of annoying him strangely.

"You little beast!" he said, and knocked the man down with his fist.

"Run," hissed the woman at his elbow — "run before he can get up. No, not that way. To the church, and out by another way!"

She caught his hand, and together they raced across the square and in through the big door.

There were a few people within, most sleeping on the benches and along the floor by the walls. In the chancel there were others, masked by the lights, busy with some office. A wave of sudden song issued from among them as Dawson and the woman entered, and gave way again to the high, nervous voice of a man that stood before the altar. All along the sides of the church was shadow, and the woman speedily found a little arched door.

"Come through the middle of it," she whispered urgently to Dawson, as she packed her loose skirts together in her hand — "cleanly through the middle; do not rub the wall as you come."

He obeyed and followed her, and they were once more in the darkness of an alley.

"It was the door of the lepers," she explained, as she let her skirts swish down again. "See, there is the light by the sea!"

The wind came cleanly up the alley, and soon they were at its mouth, where a lamp flickered in the breeze. Dawson drew a deep breath, and tucked the image under his arm. His palm was sore with the roughness of its head.

"Some one is passing," said the woman in a low tone. "Wait here till they are by."

Footsteps were approaching along the front, and very soon Dawson heard words and started.

"What is it?" whispered the woman, her breath on his neck.

"Listen!" he answered curtly.

The others came within the circle of the lamp — a girl and two men.

"I do hope he's found my idol," the girl was saying.

Dawson stepped into the light, and they turned and saw him.

"Why, here he is," exclaimed Miss Paterson shrilly.

He raised his hat to the woman, who stood at the entrance to the alley — raised it as he would have raised it to a waitress in a bun-shop, and went over to the people from the second-class saloon.

"I found it," he said, lifting the image forward, and brushing with his hand at the foulness of blood and hair upon it. "But I was almost thinking I should miss the boat."

A RAIN MOOD

BY

WILLIAM ASPENWALL BRADLEY

We prayed for a day of rain
  In the sunny summer weather
  And for long hours spent together
  In the heavy hush and gloom
  Of a dusky silent room
And the patter of drops in the pane,
  And a murmurous sigh in the leaves
  And the swish of the rain in the eaves
  And the tremulous trouble and start
  Of the wind in the great tree's heart —
We prayed for a day of rain
  And the exquisite infinite sense
  Of a being more intense
  And the needlessness of speech
  For the lips and hands of each
In the patter of drops in the pane.

We prayed for a day of rain
  That the world might seem less wide
  That severed us side by side
  And the minutes might seem more long
  Sung to the drowsy song
Of the patter of drops in the pane.
  For the glory and glamour and green
  Were a barrier set between
  Our souls that strove to be one
  In the glare of the blazing sun.

KILLBOHGAN AND KILLBOGGAN

BY

HERMINIE TEMPLETON

AUTHOR OF "DARBY O'GILL AND THE GOOD PEOPLE," ETC.

ILLUSTRATED BY EDMUND J. SULLIVAN

ONCE upon a time, and a black-fortuned, potato-blighted time it was, there lived near the town of Clonmel, in the beautiful County of Tipperary, a sober-minded farmer named Jerry O'Flynn.

Of cattle or horses or sheep or goats or any four-footed beasts, Jerry had none, saving and barring a beautiful white pig which he had picked up at his own threshold on a blustery evening in April, when it was a little stray, shivering, pink-nosed bonive.

Well, that same pig grew and grew, fat and silky and good-natured, till it was the pride and the pleasure of the family to currycomb him, to wash him, to feed him, and to rub his fine, broad back. And when the time came for him to go the way of all pigs, Jerry's thatched roof covered as sore a hearted family as dwelt in all Ireland. However, the piteous law which compels the strong to prey upon the weak, was in this instance considered to be inexorable; so, the evening before the day of execution, Jerry repaired to a secluded spot behind the high, black turf stack, and there, with his own unwilling hands, arranged the grim paraphernalia for the morrow's tragedy. When this dismal work was finished, the honest fellow had not enough courage left to carry him back to the cottage, there to face the accusing eyes of his children, so he slunk over to the stile in the lane and stood with his right arm thrown listlessly about the hedge post, lost in troubled contemplation of the unconscious and confiding victim who stretched himself luxuriously in the grass at his master's feet.

So preoccupied was the lad with his bothersome thoughts, that he failed to notice the hasty approach of good-natured old Mrs. Clancey, and he answered her cheery "God save ye" with a half-frightened start.

"I've come to tell ye, Jerry agra," the excited woman panted, "that there's a letther — a big blue letther — from Amerikay —

"lost in troubled contemplation of the unconscious and confiding victim"

waitin' for ye down in the town; and the postmasther (bad cess to him) wouldn't let me have it to bring to you. He even ray-fused to open it for me, so I might bring ye the news who it was from. The curse of the crows light on him!" She spoke with such hearty bitterness as to suggest a keenly disappointed curiosity.

"Thank ye, and thank ye agin for your throuble, Mrs. Clancey! Y u're sure the letther was from Amerikay?"

"Oh, faith I am; the postmasther hilt it up, an' more than a dozen of us saw the post mark."

"My but that's quare," muttered Jerry. "I have no one in Amerikay who could be afther sending me a letther barrin' me Uncle Dan, and Dan's dead an' gone, Heaven rest him, these two years. I'm bilin' to know who the letther's from, but I can't go afther it the morrow becase" (and he sighed deeply) "we've set that day for the killin' of Char-les, the pig, there. And it's a red-handed murdherer I feel meself already, Mrs. Clancey, ma'am."

Well, at these words, strange as it may seem, Charles gave a startled grunt, rose to his fat haunches, and threw a look of such resentful surprise from under his white eyelashes, first at Jerry, then at Mrs. Clancey, that the old woman, with a muttered "God save us, will ye look at that now," shrank back a pace from the stile.

"I wouldn't kill that pig, Jerry O'Flynn," says she, with a warning wag of her forefinger. "I wouldn't kill that pig if he was as

full of goold suverins as the Bank of England, Ireland, and Scotland put together, so I wouldn't!"

The smouldering trouble in Jerry's gray eyes deepened, and he sucked hard at his empty, black pipe.

"And why wouldn't ye, Mrs. Clancey, ma'am? What raisons have ye agin him?" asked Jerry, peering anxiously at her from under the rim of his old caubeen. Mrs. Clancey deliberately folded her arms in her shawl, and came a step nearer the stile.

"Well, first and foremost," says she, "he is a shupernatural baste, and there's a knowledgeableness in the cock of his white eye when he turns it on me that makes me shiver, so it does. Look at him sitting there now! Look at the saygacious twisht of the tail of him. I'll warrant he ondherstands every worrud we're thinking, let alone sayin' — conshuming to him."

Jerry threw an apprehensive eye over his shoulder at the pig who now sat with his back toward them, solemnly twisting his tail first this way, then that. But for all his seeming indifference there was such a subtle suggestion of listening in the twitch of the beast's ears and the hump of his broad shoulders, that Jerry placed a cautious hand to his mouth when he whispered: "Do ye think so, Mrs. Clancey? No, no, it's only just the natural cultivaytion of the baste. Though I'll not deny that Char-les has sometimes the look of a Christian on him. Then, again, his ways are so friendly and polite that it goes sore agin me heart to lift a hand till him, so it does. Sure, pigs have feelings as well as you or I, and you wouldn't like to be kilt yourself, Mrs. Clancey, I'm thinkin'."

The unhappy personal comparison offended Mrs. Clancey's ever sensitive dignity so with head askew and tight lips she replied, "If I wor a pig, which Heaven forbid, I hope I'd be pillosopher enough to be satisfied with me station in life. Pigs were born to be kilt; how else could they be turned into things needful! 'Tis the least they can expect."

"Thrue fer ye!" apologetically sighed Jerry. "And to substantiate what ye're sayin', there's the rint long due, an' Christmas almost on top of us, and the childer needin' shoes, an' herself fairly perishin' for a bit of a bonnet; an' look at him! there sits tay, an' bonnet, an' shoes, an' rint, and lashin's an' lavin's of tobaccy; and here am I wid an empty poipe, too tindher-hearted to transmogrify the baste. What'll I do at all, at all?"

"Faith, I dunno, Jerry, ma bouchal. It's beyant me," replied Mrs. Clancey turning to go. "But" — and a sudden thought halted her — "to-morrow is market day at Clonmel, and if that same Char-les wor *my* pig, I'd have him half way there before the sun stuck a leg over the mountain, and I'd sell him widout the flutther of an eyelid. By that manes ye'd shift the raysponsibility on to himself. And if Char-les is half as wise as he purtinds to be, lave him alone but he'll take care of himself."

With a self-satisfied toss of her head and a cheerful "Good-night," the wise woman took herself hurriedly up the road.

Jerry leaned heavily on the stile and gazed with unseeing eyes at the brown shawl fast disappearing in the shadows, until he was startled by two short, indignant grunts at his side. Looking quickly round he met the reproachful eyes of the pig gazing steadfastly up at him.

"Arrah don't be blaming me, Char-les, me poor lad! Don't look at me that way! Me heart's fair broke, so it is. Haven't I raised you since you were the size of that hand? an' a sociabler, civiler mannered baste I niver saw. Musha, I wisht you were a cow, so I do; then you wouldn't be a pig an' have to be kilt. Heigh ho! Sorrows the day! come along up with me, agra, an' we'll have a petatie."

That night, long after the hearth was swept and the childer and herself were in bed, Jerry sat with his chin in his hands gazing moodily into the smouldering turf. The heavy task of the morrow drove all wish for the bed from his mind, so the leaden-hearted lad decided to sit up until morning — the better to get an early start.

As thus he waited, the stillness of the night grew heavier and heavier around him, broken only by the spluttering of the ash-covered turf at his feet, and he felt the darkness of the room creeping up from behind, and pressing down upon his shoulders like a great cloak.

The expiring rush light on the old oak mantel above his head struggled feebly with the strangling shadows as it burned itself to the very rim of the tall brass candlestick. But the contest proved a hopeless one, and so at last with one despairing spurt of yellow flame the vanquished light sank gurgling and choking out of sight. Jerry marked

how its soul in one slender, wavering spire of gray smoke crept softly upward and disappeared. With a little shivering shrug, the lad drew his stool closer into the hearth. "Some one stepped over me grave sartin that time," he complained. "My, but isn't this a murdherin' shuperstitious night?"

And the turf fire at his feet — sure never before had its dull red caverns held so many weird and grotesque phantoms: an old woman with a bundle of sticks on her back glowed for an instant there, then suddenly changed and sank into a body stretched out on a low bier. And then the body rose slowly upright and stood a tall, long-faced, hunchbacked man who soon spread and spread, and then crumbled into a pack of running hounds. Jerry's fascinated eyes watched the pack until with a sharp crackle and a little hiss of flame the hounds dropped into an open sea of gray ashes. As they disappeared a sudden chill filled the whole room, and on that instant, loud and shrill, Phelim, the old black cock, crowed from his perch outside the door — a most unlucky sign before midnight, as every one knows. Jerry flung a startled look at the clock. Its two warning fingers pointed the hour of midnight.

He hastily drew himself together on the stool, counting the slow, heavy strokes and dreading he knew not what. The last chime of the old clock was yet tingling through the room, when Jerry heard (and his heart turned to jelly at the sound) a strange, weird voice calling from outside under the window. "Jerry! Jerry O'Flynn!" wailed the voice, "why don't you open the dure?"

But Jerry never moved; he sat with stiffened hair and wild, straining eyes fixed on the black window-panes.

"'to-morrow morning whin ye're takin' me to market, you'll be thravellin' in much betther company than I'll be in'"

"Jerry! Jerry!" demanded the voice, now harsh and commanding, "I ask you once more, will you open?"

Slowly, like one asleep, Jerry arose and step by step retreated backward till his groping hands touched the wall behind him. There with parted, dry lips and trembling knees he waited.

The clock had ticked five times — he timed it by his beating heart — when, without so much as a bolt being drawn, the door swung wide open, and from the blackness without what should step boldly over the threshold but Charles, the pig. Not as he was wont to come, mind you, with friendly grunt and careless swagger, but silent and stern and masterful. He marched into the room, over to the fireplace, and sat himself upright in quiet dignity upon the stool that Jerry had just left. Jerry never moved a muscle, but stood frozen with surprise and growing resentment that Char-les, the pig, should give himself so many airs and make himself so free about the house.

The beast never deigned so much as a side look at his master but, wriggling himself into a comfortable position on the stool, he opened his mouth and in a gruff, patronizing way began to speak. At the sound of the strange voice all the boy's fears rushed back on him.

"Jerry O'Flynn," said the pig, "what are ye afeard of? Come over and sit on that stool ferninst me, and don't stand there shiverin' and shakin' like a cowardly bosthoon!"

"I'm not afeard," quavered Jerry, as he sidled over and seated himself gingerly on the very edge of the stool. "But may I ax yez a fair, civil question?" says he.

"You may *not*," snapped Charles, "you're here now to do as you're bid, and not to be axing questions."

At this unheard-of impudence, Jerry's anger got the better of his fright. "As I'm bid!" he spluttered, thumping his knee. "What do you mane? Amn't I the masther?"

"Masther! Ho! ho! Masther! Bedad, will ye listen to that!" roared the pig. "Why, you dundher-headed Omadhuan, who has been currycombing me, an' brushing me down all these months, an' who has been working for me early and late in the fields to get butthermilk an' petaties for me brakwusts, I'd like to know? Masther indeed! let me hear no more of that," grunted the pig, crossing his legs as he spoke. Jerry scratched his head in furious bewilderment.

"Tundher an' turf!" he gasped. "Thrue for ye, Char-les! I never thought of it that way. But thin, me lad, the raison you got such grand care was becase I intended to —" He stopped short, frightened out of his seven senses by a quiet look in the pig's eye.

"Intended to what?" asked Charles calmly.

"Nawthin," mumbled Jerry.

"Umph," the pig grunted. "Fill the poipe and hand it over to me, and pay attention, for I've something to tell you. You know by this time, I suppose, that it's no ord'nary baste you have ferninst ye; an' I want ye to undherstand," says he, pointing his pipe, "that to-morrow morning whin ye're takin' me to market, you'll be thravellin' in much betther company than I'll be in."

"Well, who and what are ye at all, at all?" demanded Jerry.

The pig leaned over and got a coal for his pipe. "Listen, and I'll expatiate," he puffed.

"You must know that I am Killbohgan, the ould ancient Milesian maygician who in an unlucky moment had the comither put on him by Killboggan, an oulder and a trifle ancienther enchanter; and who to escape from the parsecutions of Killboggan changed himself into a hare."

"Oh, be the powers!" cried Jerry, slapping his knee with his hand. "The first hard worruk ye'll do in the mornin' will be to go out an' change me flock of ducks intil a herd of cows, so it will."

"Oh, you poor man," sighed the magician. "There was a time when such a thrick 'ud be only sport and May game for me. But wirrasthrue, that was hundherds of years ago. I once changed a hill of red ants into a dhrove of wild ulephants to plaze one of me sick childher. But Killboggan has dhrawn all the power from me now, an' I used the last spell I had that midnight when I changed meself into a wee white bonive before your own horse-pittiful dure."

The pig scratched his ear reflectively with the stem of his pipe, and smiled, and shook his head sadly when Jerry remarked:

"I always knew there was something shuperior in your charack-ther, Char-les."

"Be that as it may be," continued Charles, "as I was sayin': afther I had changed meself into a hare, what did the bliggard Killboggan do but turn himself intil a hound,

and for years and years he hunted me from one end of Ireland ground to the other. One day, as we were goin' lickety splicket up the Giant's Causeway, the villain nearly had me by the hind leg, and findin' meself in such a dusperate amplush, I quick turned meself intil a herring and dhropped intil the say.

"Well, anyway, it wasn't a minute till Killboggan had metamurphied himself intil a whale, and, be the mortial man, came sploshing in afther me. And so for hundherds of years we'd been rumagin' and rampaging from one ind of the everlasting salt says to the other, till on Chewsday last April Ned Driscoll, who was out fishing for herrings, caught me in his net. And as he was passing your door that same night, I slipped out of his basket and turned meself into a purty white bonive in the road beyant."

"Well, well, d 'ye mind that," exclaimed Jerry, "wondhers'll never sayse. And you can't gainsay, Char-les, but what you've got the best of good thratement."

"It's the truth ye're spakin'," nodded the pig. "And now, to prove me gratitude, I'll show you a way to fill your pockets with goold. Whenever you need a little money, just take me to the nearest fair and sell me for the best price you can get. Then go your ways, and never fear but I'll be back to ye safe and sound be cock-crow." In his excitement over this prospect, Jerry lost sight entirely of the sheer dishonesty of the plan.

"Oh, be the powers," he exulted, "the goose that laid the goolden egg is a mere flaybite be comparison to you!"

"There's only one thing you must be careful of," said the magician, raising his pipe warningly to his nose, "and that one thing is this: you are on no account to sell me to a dark, long-faced man with a hump on his back, for that'll be the tarnation schaymer of the worruld, Killboggan. But see, the day is breaking! Tie the rope to me leg, and off to Clonmel with us."

Jerry took the sociable creature at his word, and down the road they put. But the journey was so delayed by wonderful tales of giants and of magicians and by some fine old ballads which Charles sang as they sat under a hedge to rest, that it was the middle of the forenoon before they found themselves in the busy market place of the fair. At once Jerry was hailed on all sides, and it wasn't long till he was offered two pounds for his fine pig. Almost immediately afterwards, Red Shaun, the drover, raised the bid to two pounds ten.

"No," cried Jerry, "I'll not take a penny less nor three pound. And it's ashamed I am to part with him for that. Here you, Wullum!" he called to his first cousin, William Hagen, who stood by. "There's a letther for me in the post-office beyant; do you hold Char-les here till I go for it."

He slipped the rope into William's hand, and was off like a shot. It wasn't two minutes till he was back again with the letter in his pocket. There stood William, a glad smile on his round, red face, and four gold sovereigns shining in his open palm. But the pig was nowhere to be seen.

"Where's Char-les?" shouted Jerry, a cold fear gripping his heart.

"Char-les is gone," chuckled William, "but here's the price of him; and a pound more than you axed for the lazy baste."

"Who bought him?" demanded Jerry, anxiously. "Tell me quick, who bought him?"

"Sorra do I know who the long-faced, black, ould targer was! But he seemed mighty glad to get the pig at four pounds, and was in a great hurry to be away with himself."

Jerry tried to speak, but his voice at first failed him. "Did the schaymer have a hump on his back, I dunno?" he managed at last to gasp.

"No less," answered William, "a hump like a camel's. But what's come over ye, man? You're as white as a ghost."

For answer Jerry pushed William aside and dashed madly into the surging crowd; and for the rest of that day he searched every nook and corner for some trace of the lost Charles; but in vain. It was well on to midnight when, footsore and sorry-hearted, the remorseful lad lifted the latch of his own cottage door. As he did, the breath almost left him, for there on the same stool, just as before, sat Charles. But not altogether the same either, for instead of the usual jolly, careless expression worn by the pig, there was now on his countenance a settled look of hopeless dejection. And Jerry noticed also that although the pig's body was as big as ever, his sides were almost transparent. Indeed, the tongs leaning against the wall, near which the creature sat, were quite visible through the poor fellow's ribs.

As Jerry walked slowly toward the fireplace, the pig addressed him, and the sad tremble in his voice went straight to his master's heart.

"I'm dead now; now I'm dead, Jerry," wailed the pig. "I wrastled with that scoundhrel Killboggan till tin minutes ago, and his spells and charrums have me melted away to a looking-glass image of meself. Oh me, oh my, oh me, oh my! Be accident I got him down at last and managed to escape and fly to you. But he's coming. He'll be here in a minute, and then good-by forever to the raynowned Killbohgan. I can do no more. I'll vanish entirely."

"Och, what a murdherin' pity," mourned Jerry, wringing his hands. "Is there no help for you?"

"There's only one poor chanst in all the worruld," moaned Charles, "but I don't think you'd be ayquil to the task. If you could manage to stuff a handful of salt into Killboggan's mouth, that'd put an ind to his powers and his parsecutions. I'd soon grow fat agin. But sure what's the use of talkin'— Oh, be this and that, here he is!"

The pig made a jump and a mad scramble for the other room, and dived under the bed, and Jerry had barely time to snatch a fistful of salt from a crock on the dresser shelf, when the kitchen door flew open, and in strode a tall, humpbacked man with the longest, darkest face Jerry had ever seen.

"You have that villain Killbohgan here somewhere, and you'd betther let me have him at once," croaked the dark man in a deep, harsh voice. He stood wide on his legs in the middle of the floor. "Ha! there he is skulkin' undher the bed. Wait till I have him out and finish him here ferninst ye."

"From one end of the kitchen to the other they whirled"

With these words the magician made a bolt for the other room but as he did, Jerry, with a courage which has since become the settled boast of all his descendants, gave a quick spring and landed fair and square on the ugly intruder's back. And then began a struggle which for noise and destruction has never been equaled before or since in any respectable man's kitchen. With his left arm clasped tight about the long, bony neck, Jerry strove with his right hand to thrust the fistful of salt into the villain's mouth.

Round and round spun the magician, as fast as any top, striving desperately meanwhile to avoid the handful of salt which Jerry just as desperately was endeavoring to make him swallow. From one end of the kitchen to the other they whirled, Jerry's legs flying out behind like a couple of flails, and sweeping everything in their way. Down went the table, up in the air flew the two stools, crash went the poor old clock, and with one wild sweep the two dignified brass candlesticks flew madly off the mantel. And then, saddest of all to relate, swish! crack! went Jerry's two legs against the churn-dasher, and the five gallons of fresh, sweet buttermilk spread like a white sheet over the floor.

"Oh, ye murdherin' thafe of the worruld! oh me two misfortunate legs!" roared Jerry. He gave the magician such a poke in the back with his knee as to drive for an instant every whiff of breath out of the rascal's body.

"The grunt the fallen wizard let out of him could have been heard in the seven corners of the parish"

"Bravo! Bravo!" shouted Killbohgan's smothered voice from under the bed.

At that the frantic enchanter changed his tactics. He now stood in the middle of the floor bending his body up and down with the greatest rapidity, so that Jerry fluttered back and forth like a shirt on a clothes-line in windy weather.

The brave man, however, never weakened his hold, and Killboggan soon found out that

this plan was useless, too; so what does the rapscallion of an enchanter do but begin backing rapidly toward the fireplace.

"Oh, murdher in Irish, this is where the spalpeen's got me," groaned poor Jerry, twisting a frightened eye over his shoulder at the turf fire.

"Keep a firm grip on him whatever happens," encouraged the invisible Killbohgan, "ye're doin' fine."

Whether Killboggan intended to seat the poor lad on the live coals will never be known. At any rate, if such was his uncharitable intention the maddened wizard miscalculated the direction, and instead of finding the fireplace, he succeeded only in banging the heroic Jerry against the wall with a terrible thump.

Hard as it was on the poor lad's bones, that same bump proved to be Jerry's salvation; for the rattling jar of it loosened the big heavy picture of Daniel O'Connell which hung enshrined on the whitewashed wall above them, and, as though of its own volition, down came Daniel crash on Kilboggan's head. The glass was smashed into smithereens, and the heavy frame hung itself round the neck of the bewildered magician like an oxen's yoke.

And that wasn't the best of it either, for at this same moment Killboggan's two feet slipped in the buttermilk, and down he went on his back to the floor like a load of turf. The grunt the fallen wizard let out of him could have been heard in the seven corners of the parish. There was an exultant "Hooroo!" from under the bed, and the next instant Jerry, gasping and spluttering, was seated on the black lad's chest striving still with might and main to pry open the long jaws and to crush the handful of salt through the scraggly, yellow teeth.

Slowly the great jaws opened and our hero was making haste to poke in the saving salt, when suddenly a hand caught him from behind, and a familiar voice spoke in his ear.

"Get up out of that. I'm ashamed of ye. What are ye doin' to that stool?" It was his wife Katie who spoke.

But Jerry, breathing hard, still clung desperately to Killboggan, until looking more closely, what was his surprise and consternation to find that the Wizard had some way changed himself into one of their own three-legged stools.

Jerry rose slowly to his stiffened knees and looked about him in great bewilderment, as well he might. For now, wonder of wonders, there was no sign whatever in the room of the late desperate struggle.

From his old place on the wall Daniel O'Connell, unharmed, smiled down lofty and serene upon the neatly set kitchen, while upright and solemn the dark churn stood in its own quiet corner by the dresser. Indeed, there was not an article of furniture out of its place, and Jerry as he knelt looked round in vain for the sign of a single drop of buttermilk on the floor.

"Where's Killboggan?" he gasped, as he struggled to his feet.

"Kill who?" laughed Katie in stitches. "I've seen no Killboggan or Killhoggan or Kill anybody else, aither. But you and that bliggard Char-les should be half way to Clonmel be this time."

"Char-les, Char-les," Jerry repeated mournfully, wagging his head, "sure Charles is gone, Katie, and we'll never see the poor hayro again."

"Won't we, then," laughed Katie. "Quit dhramin', avourneen, and see who's looking in the door at ye."

Jerry looked as he was bidden, and there with his head poked over the threshold, to his master's infinite amazement, stood Charles, fat and comfortable looking as ever, with a roguish smile in his eye which said plain as spoken words: "The top o' the mornin' to ye." It was already bright daylight.

"Take ye're bite of breakwus, darlin'," coaxed Katie, "and the two of yez be off, but mind ye, don't sell the pig for a penny less nor three pound."

"Sell him! Katie, sell him! I wouldn't part with Char-les for any money." At that he up and told her all that had happened during the wonderful night, and he wound up by saying:

"It may have been a dhrame, and thin agin it may have been a wision, but dhrame or wision I'll take no chances in having the vartuous Killbohgan murdhered."

"At laste," insisted Katie, "Mrs. Clancey and the letther is no shupernatural wision, so take the road in your hands and bring us back worrud of it."

And so, indeed, Jerry did, and toward evening back he came, only the top of his hat visible over the stack of bundles he carried. With dancing feet and clapping hands the children opened wide the door, and Jerry marched proudly in and began to unload. A bonnet box with a bonnet in it that

dazzled Katie's eyes; ten yards of calico; eight yards of beautiful red flannel; two pounds of good black tea; three pairs of shoes for the children, "God bless thim"; and a great package of tobacco and a fine new pipe for himself.

"Me Uncle Dan in Amerikay isn't dead afther all, Katie," he exulted, "and to prove it he put tin pounds in the letther; and afther buyin' all ye tould me to and lashins more, I paid the rint, thanks be, and I have still a matther of four pounds tin tucked safe an' deep in the bottom of me breeches pocket."

THE STORY OF LIFE-INSURANCE

BY

BURTON J. HENDRICK

AUTHOR OF "THE ASTOR FORTUNE," ETC.

VI

THE RAID ON THE SURPLUS

IN the early '80's the Tontine bubble burst. The first policies reached maturity; and the Equitable was called upon to make good its agents' promises. As all the authorities had anticipated and predicted, it paid the surviving members only small proportions of its estimates. Its failure, indeed, was even greater than general expectation; and unexplainable on the grounds apologetically put forth.

From that time the Equitable has been called upon annually to redeem its pledges and has invariably failed. A few quotations from its own official publications sufficiently illustrate its deficiencies. In 1871, for example, the Equitable issued to one "J. B.,"* aged forty-three, a $10,000 policy maturing in 1886. The agent estimated that Mr. "J. B." would obtain at the end of his Tontine period, cash "profits" of $5,328. In fact, the Equitable paid him $2,931. In the same year it issued a $25,000 policy to one "J. S. T.,"† also maturing in fifteen years. The agent estimated cash profits of $12,142.50. The Equitable paid $6,693.50. Thousands of similar instances could be specified. In general, the Equitable has seldom paid more than sixty per cent of the estimated profits. It has averaged in the neighborhood of fifty; and frequently has ultimately paid only forty and thirty. The other New York companies have made records similarly bad. The Northwestern Mutual, although it also has failed to realize its anticipations, has made a much better showing. The Northwestern, on the whole, has played the game fairly and honestly. Its managers have run the company, not for their own advantage, but for that of their policy-holders. They have held themselves to a strict accountability. While the New York companies have gone to extremes to avoid accounting, and have paid at the conclusion of the Tontine periods whatever winnings they chose, the Northwestern has willingly rendered precise statements to every policy-holder every year. Dishonesty, under these conditions, was practically impossible.

Statistics give no adequate idea of the suffering these Tontine settlements involved. Hyde's comparatively small dividends were realized by forfeiting the policies of unnumbered smaller and more unfortunate members. Mr. "J. S. T.," whose record is quoted above, represented a class especially attracted by the Tontine scheme. He was evidently a man of large means. The New York companies have always preached Tontine, on the ground that many men were thus persuaded to insure who ordinarily would not have taken out policies at all. Such men, that is, entered the company, not for the insurance, but for the "investment." In other words, men of wealth have taken Tontine policies in order to get the profits made by closing out those less affluent than themselves. In 1878 Elizur Wright declared that, up to date, 100,000 policy-holders in the Equitable and New York Life, who had dropped their policies, "found themselves in no better position than if the companies had failed." In 1885 John K. Tarbox, insurance commissioner of Massachusetts, declared that forfeitures

* Results of Tontine policies maturing in 1886. Page 11, Equitable Official Document.

† Ibid. Page 10.

already set apart and divided under the Tontine system, "would have provided for dependent family support to the amount of tens of millions of dollars." In the main, lapsing members were those overtaken by misfortune. Others ceased through carelessness; misunderstandings concerning the days of payment or days of grace allowed; or temporary illness. Others had taken Tontines with inadequate notions of what they were; and then afterwards abandoned them in disgust. Many, in the hope of inordinate gain, had taken much larger policies than their circumstances justified; and after paying several large premiums, dropped out. All, of course, had absolutely no redress.

However, the lot of the survivors was almost as unfortunate. The great majority had accepted the agents' estimates as absolute guarantees. Thousands had adopted this method of providing for old age. Inevitably, when they found themselves so badly deceived, they sought redress. They bombarded the Equitable and New York Life with protests; and personally stormed the offices. They obtained little satisfaction. Hyde, Beers, and the rest repudiated all the agents' promises; and triumphantly pointed out that the estimates had never been incorporated in the policy. Again, they called attention to the clause that virtually forced the acceptance of any apportionment made. For the next twenty years the policy-holders sought satisfaction in several ways. Through legislative investigations they tried to penetrate the Tontine secret. In 1885 the Ohio legislature authorized a committee to investigate Tontine. The New York companies forced upon it, as consulting actuary, Mr. Sheppard Homans, the man who, above all others, devised the Tontine system and compiled the Tontine estimates. Homans led the committee by the nose. He held many of the sessions at his own office; and examined practically all the witnesses himself. The proceedings developed into merely a congress of presidents and actuaries, who, day after day, loudly sang hosannahs to Tontine. In New York, public sentiment, largely aroused by Jacob L. Greene's attacks, forced the appointment of a Tontine committee. The legislature limited the sessions practically to four days, and refused to authorize the employment of counsel. The first session, held at the Fifth Avenue Hotel, developed into a farce. William B. Homblower, as counsel for the New York Life, and Charles C. Beaman, as counsel for the Equitable, consumed most of the time by asking meaningless questions; Chauncey M. Depew dropped in and told a few humorous stories. The committee subpoenaed Henry B. Hyde, but he had mysteriously left town. James W. Alexander appeared as the leading witness. The committee demanded certain important Equitable books; but Mr. Alexander gently postponed their presentation. It asked for the Equitable's salary list; and that, Mr. Alexander also diplomatically withheld. He did, however, reveal several interesting facts. He declared that the Equitable directors had never authorized the Tontine policy; at least, that no record of such authorization existed. He added that the idea that Tontines were kept in classes was a "popular delusion." For years the Equitable, in numberless official documents, had maintained that such classes existed; and Henry B. Hyde, under oath on the witness-stand in 1877, had repeated the statement. The committee asked Mr. Alexander how the Tontine results were arrived at. "It is something of a puzzle," he replied, "to know just how the adjustment is reached." The four days having expired, the committee returned to Albany and asked for an extension of time. Senator James Husted, for years the leader of the insurance lobby, now took charge and prevented this extension. The legislature even attempted to shut off an official report. In 1887 Theodore M. Banta, the present cashier of the New York Life, informed his board that its share of the expense incurred in quieting this investigation was $7,500.

"Red Ink" Tontines

All attempts to kill Tontine by legislation, the New York companies successfully opposed. If a law actually got upon the statute books, they usually discovered some way of nullifying it. Only one thing could kill the Tontine scheme: a law which, like that of Massachusetts, prohibited the forfeiture of policies. All through the '70's insurance reformers sought to imitate, in New York State, this Massachusetts legislation. In the year 1879, public sentiment proved too strong and actually forced a surrender value law through the legislature. This guaranteed lapsing policy-holders the value of at least two-thirds the reserve, either in temporary or paid-up insurance. In that form it would have ended the Tontine policy;

Hyde and his associates, therefore, appended an amendment which authorized policies with no surrender values, provided they contained on the margin a notice printed *in red ink* that all rights to such surrender values had been waived. Recent legislation on patent medicines permits their sale, provided the ingredients are duly labeled on the bottle. Likewise, the legislature now authorized Tontine, provided the prescriptions were printed on the margin. The New York Life circumvented this red-ink clause in characteristic fashion. President Beers issued a policy in which not only the waiver clause, but numerous other sections, were printed in red ink. By spattering red-ink all over the policy, the New York Life diverted attention from the damaging clause the law required.

Hyde Secures Immunity from Law Suits

The policy-holders, failing to obtain satisfaction in the legislature or through investigating committees, now appealed to the courts. An avalanche of lawsuits started against the Equitable and the New York Life. Policy-holders alleged fraud, misrepresentation, and failure to keep proper accountings or regular Tontine classes. At times the companies quieted prospective litigants, especially if they were influential citizens, by increasing the Tontine payments. In some instances they even silenced popular clamor by settling Tontine policies before the periods had expired. In 1887, for example, the New York Life purchased a $100,000 policy on the life of John V. Farwell, of Chicago, for $40,000 Mr. Farwell had asserted that he had been swindled by the New York Life agent, the notorious "Sam" Dinkelspiel, and had threatened suit. Such purchases were a fraud on the other policy-holders, as, according to the scheme, they were themselves entitled to the profits obtained from surrendered policies. Smaller holders did not receive such considerate treatment; and consequently many suits reached trial. The point especially aimed at was to gain access to the books; to ascertain the regularity with which they had been kept, the honesty with which the money received had been invested and disbursed. The policy-holders desired to learn the actual reasons for their small returns: whether they were explained by natural causes or extravagance and dishonesty in management. Naturally, the hostility manifested toward all investigations, legislative or judicial, impelled the desire for detailed information. The policy-holders therefore asserted that the companies were great holders of trust funds; that they had so completely failed to maintain their promises that general suspicion of improper methods existed; and that individual accounting to policy-holders must be made. The Equitable now repudiated the contention that it held policy-holders' premiums as a trustee. It interposed a demurrer in the case of Bewley against Equitable on these grounds: "The plaintiffs, as policy-holders, have no rights which entitle them to bring this action. The policy-holder is not *cestui que trust*. And neither the directors nor the company are trustees. The policy-holder is not a partner. He is not a creditor. He is not a member of the company. The fund produced by the payment of all the premiums does not in any sense belong to the policy-holders, but belongs exclusively to the company."

The courts generally have sustained this view. They have decided several times that the policy-holders' rights are purely contractual; and that such apportionment as the companies make must be accepted. Occasionally, however, a phrase in a decision aroused apprehension. Once or twice the Court of Appeals hinted that, in certain contingencies, an actual accounting might be obtained. Justice Peckham, in Frederick Ulman against the New York Life Insurance Company, interjected a paragraph that caused general consternation in New York. Justice Peckham called attention to the fact that the policy contract called for an "equitable apportionment" of profits. Unless proof to the contrary were submitted, the presumption that an "equitable apportionment" had been made stood in the company's favor. But, intimated Justice Peckham, should the policy-holders furnish proofs that an inequitable apportionment had been made or that such apportionment had been based upon "erroneous principles," then the court might with propriety open the whole case. Hyde and his associates promptly met this decision by practically shutting off their policy-holders from access to the courts. They secured the passage of the law which virtually prevented insurance companies from being sued. Under this law all suits for an accounting must be brought, not by the policy-holder himself, but by the *Attorney-General*. Probably New York State

never enacted a more infamous statute than this; whether it is constitutional, has never been judicially determined. It practically gave the insurance companies a license to loot the policy-holders at will.

"Deferred Dividend," or Semi-Tontine, Succeeds the Tontine Policy

Thus Hyde and his associates completed the several links in a conspiracy that kept their policy-holders from justice. In spite of this they had to abandon the Tontine game. The public, after nearly twenty years' trial, finally grasped its meaning, and refused to purchase full Tontine policies. Hyde at once invented another new policy, similar to the old, but somewhat modified. About 1883 he announced another "great discovery" — his "semi-Tontine." In 1885 this became the "non-forfeiting" Tontine; in 1886 the "Free Tontine." This policy was practically identical with that now known as the "deferred dividend." It differed from the original Tontine in that it gave a surrender value on lapse. If you lapsed now, you did get a paid-up policy; you simply forfeited your "dividends." In the event of death before the Tontine period expired, you also forfeited all dividends. Unquestionably, the deferred dividend or semi-Tontine was a reform on the old idea: though in principle equally obnoxious. Hyde used the same methods of solicitation. His agents still canvassed by promising immense returns at the conclusion of the deferred dividend period. Hyde based his new estimates, however, upon "actual results." He took the "dividends" paid on full Tontines as estimates of probable payments upon semi-Tontines. If further evidence is required of the bad faith of all these estimates, this circumstance furnishes it. The "results" on full Tontines were made up largely out of lapsed policies; this great source of profit, as already said, did not exist in the case of the deferred dividend. How then, could the results of semi-Tontines be expected to equal those on full Tontines? Of course, they never have. Deferred dividend policy-holders have been just as badly misled, just as keenly disappointed, as the holders of the old Tontines.

Money Wasted by Extravagance and Dishonesty

Why have all the Tontine companies failed so miserably to realize their early promises? It must be granted that from the first the complete fulfilment was impossible. When pressed, the New York companies have explained their failure chiefly on two grounds: the fall in the interest rate, thus reducing expected profits from investments; and the realization of fewer lapses than anticipated. Unquestionably, the interest rate has fallen in thirty years; but the mathematicians have demonstrated that this accounts only to a small degree for the Tontine deficits. Just how far the failure to realize innumerable lapses explains the falling off we shall never know. Hyde always kept these facts carefully concealed. The lapse rate under Tontine, as already shown, was enormous. A third factor, which the New York companies have never brought forth, better explains these small "dividends" than a decreased interest rate and unrealized lapses. That is an *increase in expenses*. On this point we have illuminating data. The Equitable's expense rate steadily advanced under Tontine. In 1871, when the first Tontine Savings Fund policy was issued, the Equitable spent seventeen cents out of every dollar paid in as premiums, in expenses. In 1890, the year before the first twenty-year Tontine became due, it spent twenty-five.

An especially valuable authority on the subject is Mr. Theodore M. Banta, the present cashier of the New York Life. Mr. Banta has held influential office in this company for nearly fifty years. He has witnessed the rise and the decline of the Tontine and semi-Tontine scheme. In 1887 he presented a series of grave charges against the New York Life management. One of his severest counts was the Tontine system. He asserted that the management had become so extravagant that, had it not been for the increase in the market value of certain securities, the New York Life, at that moment, would have been insolvent. Referring to the "estimated results" made by certain experts, Mr. Banta declared that "the experts in question probably did not foresee that so large a share of the policy-holders' money would be squandered by extravagant business methods."

The Tontine and deferred dividend funds have been preyed upon and wasted chiefly in two ways. Inside rings have personally profited from them; and greater sums have been wasted in the mad race for new business.

To make the whole process understandable we must revert once more to fundamental

principles. Dividends or annual savings arise primarily from two sources. The company realizes fewer death losses than those upon which it has based its premium prices; and a higher interest rate on its investments than it had assumed. The third element of possible saving is upon the loadings. These are the amounts added arbitrarily to the premiums to cover the cost of management. Obviously, the best managed companies are those that save the most from their loadings, get the largest returns from their investments consistent with safety, and so select their risks that they have the largest saving from mortality. In the main, the big New York companies have selected their insurance risks with care. Concerning certain branches of the New York Life's medical department — its South American and far eastern business, and its sub-standard risks — there may be considerable doubt; but all three do show a fair, though not remarkable, profit from mortality. The waste and dishonesty have affected chiefly those parts of the premiums which are supposed to provide for expenses and to be laid aside for investment.

Enormous Salaries Given Relatives and Favorites

Life-insurance expenses consist mainly of agency expenditures, administrative salaries, advertising, legal outlays, and taxes. Agency disbursements will be described in detail in the next article. Upon the salary list, millions which, under honest conditions, would have been returned to policy-holders as dividends, have been disbursed. This abuse dates back many years. Henry B. Hyde, from the very first, exacted heavy tribute. In the old times the officers regularly abstracted certain sums as secret "bonuses"; in three years the Mutual Life, as has been shown, thus appropriated $189,000, and charged it on the books as dividends paid to policy-holders. The New York Life, up to fifteen years ago, tolerated the same practice. William H. Beers, at the time he was deposed, drew $75,000 a year salary; and a bonus of $25,000. The New York companies have also multiplied offices in the most reckless fashion. The Equitable, in addition to a $100,000 president, had a $100,000 vice-president; three vice-presidents whose salaries ranged from $30,000 to $60,000 each; and secretaries, assistant secretaries, controllers, treasurers, and auditors almost without number. The New York Life had a $100,000 president; four vice-presidents receiving anywhere from $20,000 to $40,000; three second vice-presidents, each receiving from $18,000 to $30,000; and the usual assortment of secretaries, treasurers, controllers, auditors, and the rest. In many cases the directors multiplied these highly-paid positions in order to find soft places for relatives and other hangers-on. John A. McCall makes his son, recently graduated from Harvard, secretary of the New York Life at $15,000 per annum; his son-in-law, vice-president at $35,000; another son-in-law, inspector of agencies at $15,000; a brother-in-law, auditor of the Paris office at $7,500; a "boyhood friend," Andrew Hamilton, lobby generalissimo at heaven only knows what compensation. These large salaries explain, to a greater degree than is commonly supposed, the falling off in policy-holders' dividends. The Mutual paid in salaries to its home office more than $1,000,000 a year*: nearly half what its policy-holders received in dividends.

All these officers have shown the itching palm even in ludicrous details. They have taken everything that came their way, no matter how small. They have scrambled for elections to sub-committees, and to the boards and committees of subsidiary institutions, partly for the sake of directors' fees. They have frequently quieted protesting trustees by elections to committees, especially in the allied trust companies, where fees were large and frequent. Each attendant gets ten or twenty dollars; it was commonly remarked that, unless these dignified financiers were watched closely, they abstracted more than one gold eagle from the plate. On one historic occasion, an especially grasping trustee was actually forced to disgorge an extra gold piece to which he had no legal claim. Almost invariably committeemen divided among those present the fees of absentees. A year or so ago a high financial officer of the Mutual Life attended a committee meeting of a subsidiary trust company. It was purely technical; he was the only member present. He pocketed the whole $140 fees usually allotted to a full attendance. William H. Beers, while president of the New York Life, suddenly recalled one day that, by a strange oversight, he had not drawn any director's fees for the past twenty years. He at once had the

*It is fair to add that the Mutual, since these disclosures, has reduced its salary list by at least $330,000 a year.

cashier draw him a check for $2,500 to square up the account. In 1904 the Equitable spent $44,000 in directors' fees. William H. McIntyre, in addition to a salary of $30,000, made $8,640 annually in director's fees in the Equitable and its allied companies.

Millions Spent in Corrupting the Legislature and the Press

Under the head of legal expenses and advertising, the companies have concealed enormous amounts spent in corrupting legislatures and the press. The trustees have thus purchased immunity for their own dishonesty and delinquencies, and continued themselves in power. Innocent persons never bribe and seldom pay blackmail; but the managements of the New York companies have done both for thirty-five years. In 1872, for example, they collected $20,000 for legislative purposes; and the particular favor sought in this instance is a fair indication of the motives that have usually prompted such contributions. They sought the passage of a law which, in effect, would have crushed their smaller rivals and given them a monopoly. They have constantly used the official machinery of the state against the interests of their policy-holders. They have fought all liberalizing reforms. In the '70's they opposed, year after year, bills providing surrender values on lapsed policies. They have stood against all legislative attempts to prevent cheating by agents. They have opposed legislative attacks on the Tontine and deferred dividend system. Their interests have become so diversified that they have manifested interest in numerous questions not immediately connected with insurance. They have kept watch of all legislation affecting banks, trust companies, safe deposit companies, railroads, and numerous other corporations. They have uniformly used their influence in such cases against the public good and in favor of privileged interests. They have amended the investment law twenty times in thirty years, not for the sake of protecting their policy-holders, but to permit investments along lines that guaranteed private profit to themselves. Above all, the insurance companies must control the legislature to prevent exposure. For thirty-five years have they stood on the brink of the *debacle* that has now arrived. In 1870 the insurance department investigated the Mutual. The Mutual, however, succeeded in stopping proceedings just as they became interesting; and in suppressing the official records. In 1877 the Insurance Committee of the Senate took several hundred pages of testimony; but just as the relation between the Equitable and certain companies wrecked during the '70's was about to be unfolded, it suddenly adjourned and submitted no official report. Expenditures for these purposes, all at the cost of the policy-holders, date back many years. Henry B. Hyde, fifteen years before he died, began contributing to state campaign funds. Since 1896, the three big companies have given sums ranging from $25,000 to $50,000 to the Republican National Committee. Hyde originated his famous "yellow dog" fund largely for legislative purposes. Mr. Hughes demonstrated that an alliance existed between the Equitable, the Mutual, and the New York Life for waging legislative warfare; that, however, is an old story. For many years, Charlton T. Lewis managed the legislative campaign in their interest. Mr. Lewis was one of the most brilliant men of his time. He figured as a reformer in many lines; and was a classical scholar of recognized attainments. For nearly forty years, however, he used his splendid abilities in defending, in legislatures and out, the New York insurance companies.*

* As far back as September 18, 1878, Mr. Lewis wrote to the New York Life: "At a conference of the New York companies it was found that an addition to the subscription by the three largest companies of $900 by the New York Life and the Equitable (each) and $1,350 by the Mutual will enable us to pay C. M. Depew, Esq., ($5,000) in addition to the obligations we have already assumed." In 1882 the three companies, also on requisition of Mr. Lewis, paid C. M. Depew $5,000. In 1887, in connection with the repeal of a certain tax law, the New York Life paid Mr. Lewis $17,000 for "seven visits to Albany, $13,500, traveling expenses, $450, newspapers, $650, and three visits to Massachusetts, $2,500." Mr. Lewis received the money in bills. Mr. Theodore M. Banta put the above voucher before the trustees of the New York Life in 1887, when the following colloquy took place:

Q. Who is Lewis?

A. (Banta) A lawyer in the Equitable Building. At one time, years ago, there was a chamber of Life-Insurance. It went out of existence. He was the controlling spirit in that. He is the party who is employed to look after legislatures.

Mr. Banta said that $100,000 was paid in 1887 by the three companies to Davies, Cole and Rapallo for services in connection with the repeal of chapter 534 of the laws of 1880; of which the New York Life paid $17,241. He submitted a large number of vouchers showing the legislative activities of the combination extending back twenty years. Thus, under date of May 5, 1885, the following was addressed to the New York Life by the Equitable:

"Please send check to order of Henry B. Hyde for $1,428.59 —legal services and disbursements for company's account"; and, December 29, 1885: "Please draw check to order of Thomas Jordan, Cashier (of Equitable) for $7,106.70 as below: Law expenses, $3,968, Advertising, $1,986.70, Miscellaneous, $1,152." In 1886, the New York Life paid the following voucher: "J. W. Alexander, of the Equitable, check 34,330 sent to him 'personally' and not officially, $7,402." Again the New York Life paid money to the Mutual, such vouchers as these being put in: "To H. J. Cullen, $7,500, May 28, 1884. Note: Legal services and expenditures. This was given to Major Ulrich of the Mutual Life after Cullen had endorsed it and cashier had certified the endorsement so that currency could be drawn."

The combination have paid the campaign expenses of senators and assemblymen in New York and other states; and have always controlled the insurance committees and dictated the appointment of insurance commissioners. Two insurance superintendents in New York State have been ejected from office for accepting their bribes. At the same time they have paid enormous sums in blackmail. They have patronized largely the twenty or thirty insurance papers that exist almost exclusively by so-called insurance "advertising." This, too, is an ancient abuse; we have already shown how the Mutual, in 1878, after imprisoning Stephen English, editor of the *Insurance Times*, for six months, finally bought him off for $35,000. Mr. Hughes recently revealed the fact that one Joe Howard, Jr., had drawn for several years $2,500 from both the Mutual and the Equitable. By referring again to the trustees' investigation of the New York Life in 1887, we learn the antiquity of this custom and also get a capital insight into the nature of Howard's services. On the subject of "blackmail," vice-President Archibald H. Welch testified as follows:

> One day (in 1884), Howard sent in his card to me and presented a letter from President McCurdy of the Mutual Life. The letter was to this purport: "Mr. Howard has shown me some articles which have been brought to his notice. I feel it is a matter of interest to you, and therefore give this letter with suggestion that you give him careful attention." Howard opened up a large package of manuscript made up largely of severe attacks upon this company somewhat after the manner of those which had been largely published in some insurance journals. Some things which he had had not been published. He also had some matters which are contained in this charge. Insurance journals are read exclusively by insurance men. Howard stated that the documents were to be published in a leading New York paper and other papers. If those articles had been published, it would reach a large volume of outsiders that no statement we could make would reach, and if it did reach them it would not destroy the bad effect of the attack. Howard stated that he was the correspondent of several New York, Boston, and Washington papers. We considered it to the interest of the company that these things should not spread. I recognized the fact that this company is doing business largely on public confidence. We have that confidence, and to destroy or alarm it would be very disastrous to the interests of the company. There was no question in my mind but what it was best to suppress this article. The method of suppressing it we had to discuss. It was finally arranged that Howard should receive a certain specified sum — $5,000.

We shall probably never know how much money has been spent in this fashion. That the New York Life has paid Andrew Hamilton $1,300,000 in the last ten years, for which he has rendered no accounting, has been proved; and unquestionably other disbursements have been so completely covered up that not a trace remains. The Mutual Life has wasted hundreds of thousands of dollars on its legislative agents which, in the official reports, have innocently figured as "stationery and supplies." To hide its tracks, it had forged the names of office boys, fixed up bogus vouchers, and paid bills to imaginary business houses created for this particular purpose. Its expenditures for advertising and supplies have aggregated, in one year, $1,134,000 — half as much as it has paid in policy-holders' dividends; that item, it is known, contains money spent on legislatures, blackmail, and in other illicit ways. Already two former vice-presidents have been indicted for perjury and forgery in connection with this account.

Most Attractive Investments Neglected; Millions for Wall Street

Hyde and his competitors also anticipated great Tontine and deferred dividend profits from excess interest earnings. At present the New York companies base their premiums upon three and three and one-half per cent. That they must earn to maintain solvency; anything beyond is theoretically returned to the policy-holders. Thus they have an absolute standard of investment earnings; the unpardonable sin is the realization of less than three per cent. If they have securities yielding less than this minimum, they have a deficit in the reserves which must be made up from other sources — that is, the surplus. Because these companies have this great accumulation to fall back upon they have sunk millions in investments that do not realize the interest rate needed to maintain solvency. For at least twenty years, the New York companies, to a great extent, have deliberately closed their eyes to the safest and most profitable investment opportunity — mortgage loans on New York real estate; and have placed their policy-holders' premiums in Wall Street securities which return relatively a much lower rate. Thirty-five years ago the Equitable, the New York Life, and the Mutual invested more than sixty per cent of their funds in mortgage loans; now they have only about fifteen. The New York Life sins most grievously. It has total assets amounting to

$390,000,000; and only $23,000,000, or less than six per cent, invested in first mortgages. Both the Mutual Benefit and the Northwestern, on the other hand, have more than fifty per cent of their assets thus put away. First mortgages are especially valuable assets for life-insurance companies. When made with honesty and judgment, they combine safety with liberal returns. Moreover, the insurance company, unlike the national bank, does not need "quick assets." It is not subject to "runs." Its contracts mature regularly; and it knows years in advance what its cash obligations will be. For five years preceding the present upheaval, the New York Life practically refused even to entertain applications for mortgage loans. Instead, it established a branch office in the heart of Wall Street; placed in charge Mr. George W. Perkins, a member of the firm of J. Pierpont Morgan & Company; and invested exclusively in stock-market securities.

These managements do not like mortgage loans, simply because they do not afford opportunities for personal advancement and reward. They cannot manipulate them; cannot buy and sell them at will; there is "nothing in it" for themselves. In saying this we need not necessarily imply that trustees directly profit by the sale and purchase of these securities — though that has happened. The impelling motive is more deep-seated. If they invest in realty loans, they remove themselves from associations with the great men of the time. They do not associate with great bankers, railroad owners, captains of industry. They will not obtain appointments to the boards of great corporations; have their names put down for syndicate participations; be taken in, when great enterprises are floated, on the ground floor, nor obtain tips on the stock market. For example, Mr. James H. Hyde held directorship in some fifty corporations; largely traceable to investments held by the Equitable Life. He demanded, and obtained, election on the Pennsylvania board simply by virtue of the Equitable's large holdings in Pennsylvania stock. All investments are made by finance committees; the members of these finance committees invariably hold directorships in endless banks, trust companies, railroads, and miscellaneous corporations. They get these positions and the enormous opportunities for personal profit furnished thereby, simply by virtue of the investments they make for their insurance companies. In other words, to advance themselves, they sacrifice millions in interest earnings for their policy-holders. Of forty-five leading life-insurance companies, the Equitable Life has realized the smallest investment returns. Close competitors for this position are the Mutual and the New York Life.

Dividends Eaten Up by Depreciating Office Buildings

Instead of buying first mortgage liens, the New York companies have preferred investments directly in fee property. They have had a mania for enormous office buildings. Three together, in the last thirty-five years, have put not less than $100,000,000 into property of this kind. Henry B. Hyde originated this reform. He erected the first Equitable building largely for the purpose of display, as an outward manifestation of the Society's greatness and stability. He believed that the average American would rather insure in a company dwelling in a splendid monument of this sort than in one with unpretentious headquarters. As soon as he had finished the first Equitable building, he therefore put up a counterpart in Boston. Others followed in Philadelphia, Chicago, and other large cities of the West. He also erected monuments to the Equitable in Paris, Berlin, Madrid, Vienna, Melbourne, Sydney, and other foreign places. The New York Life and the Mutual have followed his example. The New York Life has buildings in Belgrade, Budapest, and Amsterdam; the Mutual has one at Cape Town.

On these buildings the policy-holders have lost in a variety of ways. In the first place the buildings have, as a rule, tremendously depreciated in value. The total cost of the present Equitable Building in New York was $18,000,000. Its present value, on the Equitable's own estimate, is not more than $15,000,000. Only the phenomenal growth in Broadway land values has saved the policy-holders from a much greater loss. The New York Life's Broadway building cost $7,121,000; the company now claims a valuation of only $5,000,000. The Mutual's main office building in New York cost $17,277,000; the Mutual has written off more than $6,000,000 in the last seven years. Many of the foreign buildings show similar depreciations. The Equitable's Melbourne

"advertisement" cost $2,864,000; the Society at present gives it a value of only $2,000,000. The first New York Life building in Paris cost $1,102,000; in 1891 the French government valued it at $470,000. The present Paris building cost $2,500,000; the company now gives it a value of $1,300,000. The Equitable has invested $37,884,000 in its fifteen office buildings; the insurance department, in order to give them an earning power of three per cent, has placed the value at $26,000,000 — a loss of $11,500,000. Should the properties actually be sold, the depreciation would probably be even larger.

But the policy-holders have lost not only in capital value. For years, many of these buildings have earned much less than the interest rate upon which the companies have based their premiums. In 1887, Theodore M. Banta declared that the New York Life's Broadway building did not earn enough to pay taxes and the cost of keeping it clean. One of the most serious charges brought against President Beers was the loss on this structure. John A. McCall had hardly taken office, however, when he started a building several times larger than the old one. On this, the New York Life realizes about two and one-half per cent. Its Minneapolis building pays two and one-half; those at Montreal and St. Paul only about one. The Equitable, after reducing its building valuations from $37,000,000 to $31,000,000, was still unable to earn, on the majority, the interest rate on which it had based its premiums. On nine of them it earns anywhere from 1.56 to 2.98 per cent. Let us trace the history of one of these structures, showing precisely how the policy-holders have suffered. The Equitable erected the Boston building in the '70's at a cost of $2,342,979.73. It then calculated its premiums at four per cent. That is, the income from this structure should be some $93,700. In fact it earns only about $23,300. Here is an annual loss of $71,400 on this one piece of real estate, an amount which must be obtained elsewhere to make solvent that particular asset. It comes out of the surplus — upon the money that is laid aside for "dividend" purposes. Properly invested, that $2,342,000 should yield more than four per cent, and thus contribute some surplus itself. But, far from increasing policy-holders' dividends, it decreases them. In fact, these office buildings have constantly prevented policy-holders from receiving the benefit of other investments more advantageously made. The Mutual Life, and to a less extent, the New York Life, have frequently realized good profits from the sale of general securities. Such profits, which otherwise would have been returned as "dividends," have been used instead to wipe out losses on real estate. From 1895 to 1905, for example, the Mutual sold securities for $12,786,000 more than it paid for them. That handsome profit ought to have benefited the policy-holders. But $9,000,000 was used to reduce valuations on real estate, and thus bring it to a better percentage showing.

Why the Office Buildings Have Not Paid

The policy-holders have not realized profits upon these buildings largely because they have been managed dishonestly. Henry B. Hyde first showed how to use them for private profit; and his competitors have proved apt pupils. He charged the Equitable Society itself an enormous rental for space occupied in its own building; but foisted upon it at absurdly low prices as tenants, favored persons and corporations in which he had a personal interest. In the early '70's he founded the Mercantile Safe Deposit Company, owning the majority of the stock himself. The Equitable Society obligingly fitted up special quarters for this in its own building, and installed an expensive plant of safe deposit boxes and vaults. The Equitable, for the last fifteen years, has received net rentals for this establishment amounting to $230 per annum — not enough to pay for maintenance, light, heat, and janitor services. The Hyde family and their associates, however, have received in the neighborhood of $87,000 a year. The Equitable Society, that is, furnishes the entire plant, rent, and largely the maintenance; the Hyde interests take all the profit. This arrangement continues until the year 2001, when the lease, with its renewals, expires. Hyde himself also rented, on similar terms, choice quarters in the Boston building for safe deposit purposes. In this case the Equitable has not only obtained no rent, but has expended thousands of dollars for the benefit of the Safe Deposit Company. The Hyde family and their associates, however, net some $36,000 a year. This arrangement will expire about two centuries hence. Hyde also rented himself spacious quarters in the Equitable's St. Louis

building — again for safe deposit purposes — paying, therefore, $100 per annum. Henry G. Marquand, famous as a patron of art and a donor of private chapels to theological seminaries, was Hyde's most conspicuous partner in this Missouri enterprise. For years, the directors and many officers of the Equitable knew nothing of these leases. They were not kept among the Equitable's official papers. Superintendent Hendricks finally discovered them in the personal possession of William H. McIntyre, for years Henry B. Hyde's confidential man.

About 1885, the New York Life followed in Hyde's footsteps. It leased the basement in its Broadway building to the Manhattan Safe Deposit Company for $12,000 a year; although a well-known dry-goods firm had offered it $22,000 for the same quarters. The Manhattan Safe Deposit Company consisted of the New York Life and its high officers and trustees. But this business did not go well; the Manhattan Safe Deposit Company got deeply into debt. When failure became inevitable, the New York Life purchased, at par, the stock with which its own trustees found themselves encumbered. The policy-holders, that is, kindly relieved their own trustees of a very bad investment. In the Mutual Life Building there are also safe deposit companies, in which Mutual directors hold office and stock; but full details concerning these have not yet been obtained.

Fifty Trust Companies and Banks Feeding on the Policy-holders

Henry B. Hyde also originated the subsidiary trust company. Back in 1870 he organized the Mercantile Trust Company, and installed it in the Equitable Building. Later, he added to the Equitable the American Deposit & Loan Company, the Western National Bank, and large interests in some fifty other financial institutions. In 1888 the New York Life organized, for similar purposes, the New York Security & Trust Company; in 1892 the Mutual started the United States Mortgage & Trust Company. Together, the three now own largely in nearly fifteen allied financial institutions. They have kept on deposit in them not far from $75,000,000, always at low interest rates, usually two per cent. We need only recall again the fundamental investment conditions under which life companies operate to detect the fraud. The New York companies must earn at least three per cent to maintain solvency; under present investment conditions they can readily get four and one-half; and yet they have placed in these allied institutions nearly $75,000,000 at about two per cent.* The policy-holders annually lose nearly $2,000,000 in this way. For these balances there is no legitimate justification. Insurance companies need not carry large bank balances in order to provide against heavy and unexpected calls. The Equitable has a regular weekly income of $1,500,000; its weekly expenditures are less than $1,000,000. Neither do they need large balances as a basis for loans and other banking accommodations; they themselves have more available cash than they can use, and should look for opportunities to lend, not borrow. Better managed life companies do not carry such great balances. The Northwestern Mutual, for example, has had for several years, less than two per cent of its assets in bank; whereas the Equitable has had more than nine. But in all cases, the New York companies are large holders of stock in the favored depositories. Invariably, prominent trustees, usually members of the finance committees, personally hold stock, and, as trustees of the subsidiary concerns, practically direct their affairs. In many cases they left this money with the distinct promise that they would not draw against it. In 1903, for example, President Alexander, in a letter to vice-President Hyde, described the Equitable as "strapped for money by engagements already made," and declared that he was straining every nerve to raise $1,000,000 by a specified date. At that time the Equitable had bank balances of $37,000,000, nominally subject to check. The New York Life for several years carried anywhere from $3,000,000 to $13,000,000 with the New York Security & Trust Company, in which the company and nearly all the leading trustees held stock. The Mutual Life left for years flat sums ranging from $250,000 to $8,500,000 with from fifteen to twenty banks and trust companies in practically all of which the company and the directors personally owned shares.

In other words, the New York companies have furnished working capital, at low rates of interest, to some fifty allied institutions. These institutions lend this money

* Since the recent disclosures the New York companies have materially reduced these bank balances.

out at a profit; and use it in other money-making ways. New York Life officers admitted that they left from $3,000,000 to $13,000,000 with the New York Security & Trust Company, that it might have an available capital upon which it could rely in making loans. Whenever the trust company had a good opportunity to make large loans, the New York Life increased its deposit for that particular purpose. In return, the trust company paid the New York Life one half of one per cent less than it obtained itself; in other words, it made one half of one per cent out of millions that belonged to the policy-holders. Mr. McCurdy, Mr. Hyde, and Mr. McCall attempted to justify this practice on the ground that their insurance companies, as large stockholders themselves in the trust companies, obtained profits in the shape of dividends, and also in the increase in the value of their stock. Both these arguments are inadmissible. Every investment must stand on its own merits; large profits on trust company's stocks do not justify large losses on trust company deposits. Moreover, even allowing for the dividends received, the companies have not found their trust company affiliations profitable. The Mutual's net return, after deducting its loss on deposits from its profits as dividends, is little more than three per cent; the Equitable's, little more than one. Again, the increase in the value of the stocks cannot be admitted as an asset. The quotations of the trust company stocks depend largely upon insurance affiliations and deposits; withdraw these, and the value is problematical.

Policy-holders' Profits Transferred to Allied Trust Companies

In other ways the trust companies prey on the policy-holders. The Mutual Life, for example, purchases the debentures of the United States Mortgage & Trust Company. This latter corporation invests largely in western mortgages. It obtains from four, four and one-half to five per cent; and sells these — or debenture certificates based upon them — to the Mutual Life at four. In other words, it takes the policy-holders' money, invests it at four and one-half per cent, and pays the policy-holders four — thus making from one-half to one and one-half per cent itself. The Mutual Life could make all these loans directly; The Northwestern Mutual and the Union Central hold similar securities in large amounts, but do it without such expensive intermediates. The Mutual has invested $6,000,000 in this way. Both the Mutual and the Equitable buy mortgages on similar terms from the Title Guarantee & Trust Company, of New York, and the Lawyers' Mortgage Company. Notwithstanding the fact that they have their own machinery for lending on New York City real estate, they prefer to give the profit to companies in which Hyde, McCurdy, *et al*, have pecuniary interests. The Equitable has in other ingenious ways fleeced its policy-holders through the trust companies. In 1905, for example, it had advanced not far from $7,000,000 to its agents against future commissions. Since 1894, the insurance departments have refused to admit these as valid assets. The ingenious Henry B. Hyde then adopted the plan of assigning these loans to the Commercial Trust Company, of Philadelphia. Virtually — though this was not the precise form of the transaction — he deposited the money in the trust company at three per cent interest. The trust company lent it to his agents at five. That is, its stock-holders make a two per cent profit on this large sum.

Insurance Companies Benevolent "Grandmothers"

Life-insurance trustees have also diverted to their trust companies profits that belonged to policy-holders. They have used the latter's credit in underwriting syndicates, and then given part of the profits to these allied institutions. Trustees have obtained favors in the shape of loans. They have borrowed large sums in the names of their stenographers, frequently on insufficient collateral; and have let the loans run for years, sometimes not even paying interest promptly. Through the trust companies they have used the policy-holders' money in speculative enterprises. If the thing went well, the trust company kept the profits; if ill, it was sometimes turned over to the parent insurance company. Indeed, the officers of the United States Mortgage & Trust Company commonly referred to the Mutual Life as their "grandmother." If a speculative enterprise turned out badly, the "old lady" sometimes relieved them of it. In 1899, for example, the United States Mortgage & Trust Company reorganized the Washington Traction & Electric Company. The public refused to invest, and the

trust company found itself inconveniently loaded up with $1,000,000 unsalable bonds. The "old lady" obligingly purchased these, although it already had $2,000,000 which it had taken as the result of a syndicate participation. In 1894, Henry B. Hyde discovered that the Western National Bank, in which he and the Equitable owned stock, was practically insolvent. It had reached this condition by lending $600,000 on a wildcat land scheme in Kentucky. Mr. Hyde quietly transferred this collateral to the Mercantile Trust Company, paying the Western National Bank cash. Later, he spent through the trust company enormous sums in a useless attempt to make the collateral valuable. After his death, James W. Alexander had the whole obligation, amounting to $2,600,000, transferred to the policy-holders of the Equitable Society.* The New York Security & Trust Company has also found a benevolent "grandmother" in the New York Life. It also reorganized a street electric system, this time in New Orleans. After the reorganization, the company went into a receiver's hands, and the New York Security & Trust Company had some $3,800,000 in unsalable securities. The New York Life kindly relieved it of the burden; and afterwards sold the bonds at a loss of $326,000 to the policy-holders.

Profits from Speculative Syndicates

Trustees have also plundered the policy-holders by the purchase and sale of securities and through engagements in speculative enterprises, such as syndicates and joint accounts.

In the Equitable the syndicate dates back many years. Records of eighteen exist in Henry B. Hyde's time. In its only legitimate form, the syndicate is a combination of investors, personal and corporate, for the actual purchase of securities. It is thus only another manifestation of the magnitude of modern business enterprise. A great railroad, for example, offers $50,000,000 in bonds in a single issue. Manifestly, few bankers are strong enough to assume such a large flotation without promises of support. The banking house therefore forms a syndicate among certain investors, each agreeing to take a certain proportion at a specified price. Among the largest investors are the three big New York insurance companies. If they actually take the bonds at the price at which they have subscribed, and place them away in their vaults for investment, the operation is entirely free from criticism. But that is precisely what they have not done. Indeed, according to modern Wall Street ethics, the purchase of syndicate securities at the original subscription price is regarded as distinctly bad form. The presidents and treasurers plaintively declared that had they thus mortally offended the bankers, they would have received no more participations. They are expected to buy these securities, not at the price at which they have subscribed, but at one higher.

The members of underwriting syndicates are not primarily customers. They are guarantors. They put down their names for certain allotments merely to assure the success of the flotation. The bankers pledge themselves to sell the securities, if possible, in the general market. Only in the event that it does not take them, do the syndicate members actually buy. Speyer & Company, for example, purchase from the Republic of Cuba, $35,000,000's worth of bonds at eighty-nine. In order to safeguard themselves, Speyer & Company form a syndicate, the members of which agree to purchase at that price. With this assurance, Speyer & Company can continue the operation in complete safety to themselves, for they have an assured sale. However, they have no intention of selling directly to the syndicate members. They dispose of the whole allotment to the general public at prices varying from ninety-one to ninety-seven. The difference between the eighty-nine at which the syndicate subscribed and the price at which the general public purchases is profit. This, Speyer & Company divide among the members of the syndicate. It is their compensation for the guarantee. They have theoretically assumed a considerable risk; that is, had the public not taken the bonds, the syndicate would have had to, and realized a loss. This has actually happened. J. P. Morgan & Company, for example, three years ago formed an underwriting syndicate to guarantee $50,000,000 International Mercantile Marine bonds. The public did not buy; and many disgruntled participators, including the New York Life and the Mutual, have large blocks of these unsalable securities on hand. Essentially, in other words, syndicates are purely speculative.

Trustees of life-insurance companies, who have thus speculated, have enjoyed unusual

* It is fair to add that the present management of the Equitable has repudiated this obligation.

advantages. Their syndicate speculations have usually turned out fortunately. That is because they have had at hand large purchasers of securities — i. e., their own life-insurance companies. Their syndicate gamblings have been most unsportsmanlike; for they have bet upon "sure things." The syndicate managers always expect that the companies will purchase largely in the market; and that is the reason they have let the insurance magnates in. They have always placed these opportunities for profit where they would do the most good. In the Equitable they have selected James H. Hyde, James W. Alexander, Chauncey M. Depew, William H. McIntyre, and other members of the finance committee; in the Mutual, Richard A. McCurdy, Robert A. Grannis, Frederic Cromwell, George G. Haven, A. D. Juillard, and others similarly high-placed. These gentlemen, as participators in syndicates, made profits contributed, to a considerable extent, by the purchases which they made for their own insurance companies. Take that very case of the Cuban bonds. They all subscribed at eighty-nine; but the Mutual Life purchased its bonds in the open market at ninety-two. The directors salved their consciences by admitting the Mutual Life itself into the syndicate as a participator in the profits. The Mutual, that is, usually played two rôles: as a member of the syndicate and as part of the "general public" which purchased the securities. The Equitable did not usually observe such niceties. Years ago, Henry B. Hyde formed his own syndicates; purchased securities at ground floor prices, and sold them to the Equitable at generous profits. He called his syndicates "Louis Fitzgerald and Associates," and "George H. Squire and Associates." His son, following the parental example, named his "James H. Hyde and Associates." In some cases he gave the Equitable itself a share of the swag; more frequently he did not. In 1902 James H. Hyde formally notified Kuhn, Loeb & Company in future to put all participations usually assigned the Equitable, in his own name; his object in this was to get the profits himself instead of giving them to the policy-holders. Let us trace a few of these operations. On June 11, 1902, "James H. Hyde and Associates" subscribed to $1,000,000 Metropolitan Street Railway bonds at ninety-four; seven days later they sold the same to the Equitable at ninety-seven and one-half — pocketing profits of $30,000, without risking a dollar of their own. On October 28 they obtained $1,250,000 Oregon short line bonds at ninety-six; five days later they sold them to the Equitable at ninety-seven. Mr. Hyde and Mr. Alexander made $25,044 by this deal. Occasionally, syndicate managers required working capital and then issued "calls" to the members. Frequently, they needed this only temporarily, and returned it after concluding the transaction. In such cases the "old lady" supplied the cash. Thus, in 1901, J. P. Morgan & Company allotted the Equitable Society a $1,500,000 participation in Chicago, Burlington & Quincy bonds. The Equitable itself, however, got only $500,000; James H. Hyde, James W. Alexander, Louis Fitzgerald, Chauncey M. Depew, and other members of the finance committee took the lion's share themselves. When a "call" for cash was made, however, the Equitable paid not only its own proportion, but that of these philanthropic trustees. Later, the Equitable purchased all the bonds at a price much in excess of that paid by the syndicate. In this transaction, in which the Equitable had supplied all the cash, it realized in profits $7,729; and Messrs. Hyde, Alexander, Depew, and the rest, for which they had not risked a single dollar, some $28,000. The trustees exclaim that the policy-holders have lost nothing; that they have good bonds, usually worth more than they have paid for them. But they have lost. That their own trustees might profit, they have paid excessive prices for their investments. In some cases they have received bad securities: the old Henry B. Hyde syndicates frequently forced undesirable bonds upon the Society.

Why the Mutual, the Equitable, and the New York Life make relatively the poorest showing on investments of some forty American life companies must now be sufficiently apparent. Why they have generally failed to make good their agents' "estimates" of profits is also partly explained. The greatest source of extravagance and waste, however — the millions spent in the solicitation of new business, the mania for size — still remains to be described.

EDITORIAL ANNOUNCEMENT

THE REMINISCENCES OF CARL SCHURZ

THERE will be published in McClure's Magazine, starting in November, the second part of the memoirs of the late Carl Schurz. The vivid and romantic picture of his boyhood in the country of the Rhine, and the adventures of the ill-fated German Revolution of 1848, printed during the past year, have formed a delightful and illuminating contribution to modern literature. But the memoirs reach their chief and special significance to American readers with this second series — a significance now greatly heightened by the knowledge that these reminiscences will be the final word of the genuine patriot who wrote them.

The life of Mr. Schurz was disposed with singular fortune for the observation of the social movements of the nineteenth century. In the first half of this, starting from the American and French Revolutions, there passed over Occidental society the most tremendous uplift of democracy the world has ever seen. This impulse was felt by Mr. Schurz in the most susceptible period of his life, and the naïve and single-minded patriotism of the German youth — so difficult for the American and English mind fully to appreciate — is chronicled in the earlier reminiscences. Then, in the middle of the century, there came one of those inevitable changes in the ruling sentiment of society which sweep, as surely as the great tides of the sea, through the affairs of men. The wave of political idealism spent itself in the despair of the European Revolutionists, which the memoirs so feelingly and intimately describe, and the great wave of material development followed it. Mr. Schurz left forever the scene of the apparently hopeless reactionary movement in Europe and came to the established democracy of America.

The second period of his memoirs begins with his first glimpses of this country. Into the extremely crude and provincial, social and political outlook of the United States of half a century ago, he brought with him the wide sympathy and the keen appreciation of liberty gained by bitter experience. He saw at a glance the peculiar dangers which threatened the democracy of the West — especially that singular spectacle, the survival of human slavery in the one great republic of the world — and he threw himself with extraordinary promptness into the fight against this, first politically and later in the Civil War.

Mr. Schurz, from the beginning of the Republican party, was identified with this movement against slavery, and his memoirs set it forth with all the vividness of fresh acquaintance and the deep understanding drawn from a thorough knowledge of the great contemporary democratic movements of the world. A series of great figures appears on his pages: in politics, Seward and Chase, and the tragedy of their presidential ambitions; Sumner, with his calm refinement; Douglas, "the parliamentary pugilist," tossing back his dark hair, throwing himself boisterously into the lap of a fellow Senator during debate in the Senate; — in war, McClellan, "the young Napoleon," the diffident Burnside, the fiery Hooker, Meade arranging quietly for Gettysburg, a sight of Grant, and a close and most human view of Sherman — raging over the humiliation of the rejection of his terms to Johnston.

But best and most intimate of all is the picture of the great, lonely figure of Lincoln. Few more vital views of him have ever been given. He moves familiarly, with his rusty coat, gray shawl, and battered stovepipe hat, through the frontier life of Illinois; he appears uncouth, but irresistibly logical, against the savage Douglas in the famous joint debates; he quietly puts aside the impossible aggression of Seward, discusses foreign policy, hears patiently the complaints of the war, and speaks and acts before your eyes in the grim, sad crises of his great public service. It is a complete and graphic drawing of Lincoln by a close personal friend — enough in itself for the reconstruction of this perennially great and lovable character. The memoirs of Mr. Schurz contain a great body of matter of irresistible interest to any American; but if they gave nothing at all but this one portrait, they would rank among the most important reminiscences of years.